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# LAWS

OF

**THE UNITED STATES**

IN RELATION TO

**THE NAVAL ESTABLISHMENT,**

AND

**THE MARINE CORPS;**

COLLECTED AND ARRANGED BY ORDER OF THE SECRETARY  
OF THE NAVY, FROM THE LAWS OF THE UNITED STATES,  
TO THE END OF THE FIRST SESSION OF THE NINETEENTH  
CONGRESS.

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Washington:

PRINTED BY DAVIS & FORCE, (FRANKLIN'S HEAD,)  
PENNSYLVANIA AVENUE.

.....

1826.



## EXPLANATORY.

*The Laws in the following collection, are thus arranged :*

Under the head of *Navy Department*, are included all those Acts of Congress which relate to the institution of the Department, the general duties of the Secretary, and the pecuniary accountability of officers and agents.

The head of *Naval Armament*, comprehends all the Laws in force, up to the 4th of March, 1825, relative to the construction, purchase, equipment, and disposal, from time to time, of public vessels of war; the employment of seamen, and legal provisions of an incidental nature.

Under the head of *Marine Corps*, will be found all the enactments of Congress, concerning that Corps, to the 3d of March, 1817, inclusive, when it was fixed at a peace establishment.

The head of *Government of the Navy*, comprises the rules and regulations by which it is governed, with respect to the obligations, duties, and punishment, of officers and men, and the organization and powers of Courts Martial and Courts of Inquiry.

The laws relating to *Pensions*, are arranged under two heads : 1. *Navy Pensions*, which embraces all the provisions on that subject for claims, in virtue of services, sufferings, and death, in public armed vessels : And 2. *Privateer Pensions*, which includes the like provisions with regard to claims, in reference to private armed vessels.

The head of *Navy Hospitals*, includes all the laws in force, respecting institutions of that kind, to the 26th of February, 1811.

Under the head of *Crime of Piracy*, are arranged the Acts passed from the 3d of March, 1819, to the 30th of January, 1823, both inclusive, for the protection of commerce, punishment of piratical offences, and declaring certain offences to be piracy.

Under the head of *Slave Trade*, the Act of the 3d of March, 1819, prohibiting that trade, and prescribing the conduct to be observed

by the officers of the Navy, in relation to vessels and persons that may be engaged in that traffic.

The head of *Resolutions*, comprises all the Acts of Congress, in that form, from the 29th of March, 1800, to the 22nd of February, 1816, expressive of the exalted sentiments entertained by the nation with respect to the gallant and heroic behaviour and achievements of the officers, seamen, and marines, of the Navy, and the thanks, medals, swords, and extra pay, voted to them respectively.

In several instances, the provisions respecting the Naval Establishment are so commingled, and interwoven with those relative to other Departments, that, to separate them entirely, it would have been necessary to disjoint them, and vary, in a considerable degree, the phraseology. However allowable this may be in a *Digest*, it is scarcely admissible in a *Collection*, of Laws; and hence most of the sections of this description have been given at large, without curtailment, so as to avoid the possibility of mistake, and to prevent error.

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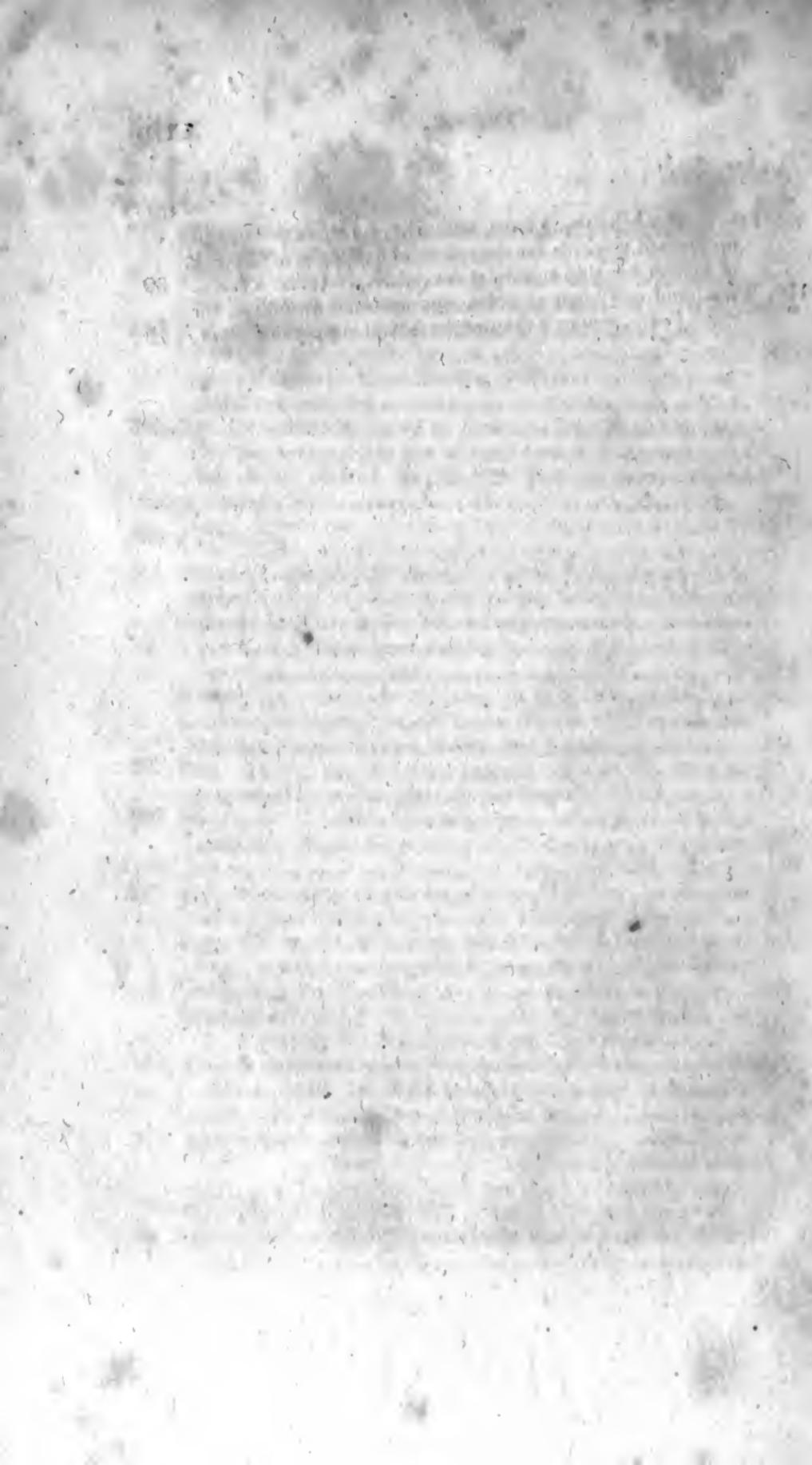
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## NAVY DEPARTMENT.

An ACT to establish an Executive Department, to be denominated the Department of the Navy.

[Vol. 3, page 44.]

SECT. 1. *Be it enacted, &c.* That there shall be an executive department, under the denomination of the Department of the Navy, the chief officer of which shall be the Secretary of the Navy, whose duty it shall be to execute such orders as he shall receive from the President of the United States, relative to the procurement of naval stores and materials, and the construction, armament, equipment, and employment, of vessels of war, as well as all other matters connected with the naval establishment of the United States.

Art. 1.

SECT. 2. A principal clerk, and such other clerks as he shall think necessary, shall be appointed by the Secretary of the Navy, who shall be employed in such manner as he shall deem most expedient. In case of vacancy in the office of the Secretary, by removal or otherwise, it shall be the duty of the principal clerk to take the charge and custody of all the books, records, and documents, of the said office.

Art. 2.

He may appoint clerks.

\* Annual compensation, § 6,000. See act of 20th February, 1819, page 372, vol. 6.

## Art. 3. SECT. 3. The Secretary of the Navy

~~He may take possession of the books, &c. in the War office, which relate to his department.~~ shall be, and he is hereby, authorized and empowered, immediately after he shall be appointed and shall enter upon the duties of his office, to take possession of all the records, books, and documents, and all other matters and things appertaining to this department, which are now deposited in the office of the Secretary of War.

SECT. 4, *is repealed.*

## Art. 4.

~~Repealing clause.~~

SECT. 5. So much of an act, entitled "An act to establish an executive department, to be denominated the Department of War," as vests any of the powers contemplated by the provisions of this act in the Secretary for the Department of War, shall be repealed from and after the period when the Secretary of the Navy shall enter on the duties of his office.

[Approved, April 30, 1798.]

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AN ACT to alter and amend the several acts for establishing a Navy Department, by adding thereto a Board of Commissioners.

## Art. 5.

[Vol. 4, page 791.]

~~The President, President of the United States be, and he &c. to appoint three Navy officers, &c. who are to constitute a Board of Commissioners for the Navy, &c.~~ SECT. 1. *Be it enacted, &c.* That the is hereby, authorized, by and with the advice and consent of the Senate, to appoint three officers of the Navy, whose rank shall not be below a post captain, who shall constitute a Board of Commissioners for the Navy of the United

States; and shall have power to adopt Powers and such rules and regulations for the govern- duties of the board. ment of their meetings as they may judge expedient: and the board so constituted, shall be attached to the office of the Secretary of the Navy, and, under his superintendence, shall discharge all the ministerial duties of said office, relative to the procurement of naval stores and materials, and the construction, armament, equipment, and employment, of vessels of war, as well as all other matters connected with the naval establishment of the United States. And the said board shall appoint their own secretary, who shall receive, in compensation for his services, a sum not exceeding two thousand dollars per annum, who shall keep a fair record of their proceedings, subject at all times to the inspection of the President of the United States, and the Secretary of the Navy.

The Board to appoint their secretary: his salary not to exceed 2,000 dolls. per annum, &c. [The Board also appoints its own clerks, under the act of 20th April, 1818. Vol. 6, page, 319.]

SECT. 2. That the said Board of Commissioners, by and with the consent of the Secretary of the Navy, be, and are hereby, authorized to prepare such rules and regulations as shall be necessary for securing an uniformity in the several classes of vessels and their equipments, and for repairing and refitting them, and for securing responsibility in the subordinate officers and agents; which regulations, when approved by the President of the United States, shall be respected and

Art. 6.

The Board, &c. to prepare rules and regulations for securing uniformity in the several classes of vessels, &c.

obeyed, until altered and revoked by the same authority; and the said rules and regulations, thus prepared and approved, shall be laid before Congress at their next session. It shall also be the duty of said board, upon the requisition of the Secretary of the Navy, to furnish all the estimates of expenditure which the several branches of the service may require, and such other information and statements as he may deem necessary.

**Art. 7.**

The officer holding the oldest commission to preside; and each commissioner to receive 3,500 dollars. per ann.

Letters, &c. free.

SECT. 3. That the officer of the said board holding the oldest commission shall preside, and each Commissioner shall be entitled to receive, in compensation for his services, three thousand five hundred dollars per annum, in lieu of wages, rations, and other emoluments, as naval officers; and all letters and packets to and from the said Commissioners, which relate to their official duties, shall be free from postage.

**Art. 8.**

Nothing in this act to take from the Secretary his control, &c. of the naval forces.

SECT. 4. That nothing in this act shall be construed to take from the Secretary of the Navy his control and direction of the naval forces of the United States, as now by law possessed.

[Approved, February 7, 1815.]

An ACT to alter and amend the several acts for the establishment and regulation of the Treasury, War, and Navy, Departments.

[Vol. 3, page 114.]

**Art. 9.**

SECT. 6. All contracts to be made, by virtue of this act, or of any law of the

United States, and requiring the advance Contracts, &c.  
to be deposited  
in the Comptroller's office. of money, or to be in any manner connected with the settlement of public accounts, shall be deposited in the office of the Comptroller of the Treasury of the United States, within ninety days after their dates respectively.

[Approved, July 16, 1798.]

[The preceding sections of this act have been superseded.]

An ACT further to amend the several acts for the establishment and regulation of the Treasury, War, and Navy, Departments.

[Vol. 4, page 220.]

Art. 10.

SECT. 1. *Be it enacted, &c.* That all warrants drawn by the Secretary of the Treasury, or of War, or of the Navy, upon the Treasurer of the United States, shall specify the particular appropriation or appropriations to which the same should be charged: the moneys paid by virtue of such warrants shall, in conformity therewith, be charged to such appropriation, or appropriations, in the books kept in the office of the Comptroller of the Treasury, in the case of warrants drawn by the Secretary of the Treasury, and in the books of the accountants of the War or Navy Departments, respectively, in the case of warrants drawn by the Secretary of War, or by the Secretary of the Navy; and the officers, agents, or other persons, who may be receivers of public moneys, shall render distinct accounts of the application of such moneys,

Warrants to be charged to the distinct appropriations on which they are founded.

according to the appropriation, or appropriations, under which the same shall have been drawn.

**Art. 11.** And the Secretary of War and of the Navy shall, on the first day of January, in each and every year, severally report to Congress a distinct account of the expenditure and application of all such sums of money as may, prior to the 30th day of September preceding, have been by them drawn, &c. respectively drawn from the Treasury, in virtue of the appropriation law of the preceding year, and the sums appropriated for a particular object shall be applied to no other. [The proviso to this section has been repealed.] Altered, see post.

**Art. 12.** SECT. 2. It shall be the duty of the Comptroller of the Treasury, in every case, where, in his opinion, further delays would be injurious to the United States, and he is hereby authorized, to direct the Auditor of the Treasury, and the Accountants of the War and Navy Departments, at any time, forthwith to audit and settle any particular account which the said officers may be respectively authorized to audit and settle, and to report such settlement for his revision and final decision. And the said Comptroller shall also lay an annual statement before Congress, during the first week of their ses-

*He shall report to Congress annually a state-*

sion, of the accounts in the Treasury, War, or Navy, Departments, which may have remained more than three years unsettled, or on which balances appear to have been due more than three years prior to the 30th of September, then last past, together with a statement of the causes which have prevented the settlement of the accounts or the recovery of the balances due to the United States.

SECT. 3. Exclusively of the \*\*\*\*\* paymasters of the Army, pursers of the Navy, \*\*\*\*\* and other officers already authorized by law, no other permanent agents shall be appointed, either for the purpose of making contracts, or for the purchase of supplies, or for the disbursement, in any other manner, of moneys for the use of the military establishment, or of the Navy of the United States, but such as shall be appointed by the President of the United States, with the advice and consent of the Senate: *Provided*, That the President may, and he is hereby authorized, in the recess of the Senate, to appoint all, or any of, such agents; which appointments shall be submitted to the Senate at their next session, for their advice and consent; and the President of the United States is hereby authorized, until otherwise provided by law, to fix the number and compensation of such agents: *Provided*, That the compensation

Art. 13.

What permanent agents authorized.

Proviso.

Proviso.

allowed to either shall not exceed *one per centum* on the public moneys disbursed by him, nor, in any instance, the compensation allowed, by law, to the purveyor of public supplies.\*

**Art. 14.**

**Agents and  
Pursers to give  
bond.**

**SECT. 4.** Every such agent as may be appointed by virtue of the next preceding section, and every purser of the Navy, shall give bond, with one or more sufficient sureties, in such sums as the President of the United States may direct,† for the faithful discharge of the trust reposed in him; and the paymaster of the Army, \*\*\*\*\* the pursers of the Navy, and the agents appointed by virtue of the preceding section, shall, whenever practicable, To keep the public moneys in their hands, in public moneys some incorporated bank, to be designated in banks, &c. for the purpose by the President of the United States; and shall make monthly returns in such form as may be prescribed by the Treasury Department, of the moneys received and expended during the preceding month, and of the unexpended balance in their hands.

**Art. 15.**

**Purchases and  
contracts, how  
to be made.**

**SECT. 5.** All purchases and contracts for supplies or services, which are, or may, according to law, be made by or under the direction of either the Secretary of the Treasury, the Secretary of War, or the Secretary of the Navy, shall be made

\* Two thousand dollars. See act of Feb. 23, 1795.

† By the act of the 1st of March, 1817, the penalty of pursers' bonds is fixed at \$25,000. See post.

either by open purchase, or by previously advertising for proposals respecting the same: and an annual statement of all such contracts and purchases, and also of the expenditure of the moneys appropriated for the contingent expenses of the military establishment, for the contingent expenses of the navy of the United States, and for the discharge of miscellaneous claims not otherwise provided for, and paid at the Treasury, shall be laid before Congress at the beginning of each year, by the Secretary of the proper department.

[Approved, March 3, 1809.]

**AN ACT to provide for the prompt Settlement of Public Accounts.**

[Vol. 6, page 199.]

**Art. 16.**

**SECT. 1.** *Be it enacted, &c.* That, from and after the third day of March next, the offices of accountant and additional accountant of the Department of War, the office of accountant of the Navy, and the office of superintendent general of Military Supplies, be, and they are hereby, abolished.

**SECT. 2.** That, from and after the said third day of March next, all claims and demands whatever, by the United States or against them, and all accounts whatever, in which the United States are con-

**Art. 17.**

All Accounts to be settled in the Treasury Department,

after 3 March, 1817, cerned, either as debtors or as creditors, shall be settled and adjusted in the Treasury Department.

**Art. 18.** **SECT. 3.** That, from and after the third day of March next, in addition to the officers in the Treasury Department, already established by law, there shall be the following officers, namely; four Auditors and one Comptroller.

**Art. 19.** **SECT. 4.** That it shall be the duty of the first Auditor to receive all accounts accruing in the Treasury Department, and, after examination, to certify the balance and transmit the accounts, with the vouchers and certificate, to the first Comptroller, for his decision thereon; that it shall be the duty of the second Auditor to receive all accounts relative to the pay and clothing of the army, the subsistence of officers, bounties, and premiums, military and hospital stores, and the contingent expenses of the War Department;

**Duty of the third Auditor.** that it shall be the duty of the third Auditor to receive all accounts relative to the subsistence of the army, the quartermaster's department; and, generally, all accounts of the War Department other than those provided for; and it shall be the duty of the fourth Auditor to receive all

**Duty of the fourth Auditor.** accounts accruing in the Navy Department, or relative thereto; and the second, third, and fourth, Auditors aforesaid, shall examine the accounts respectively, and certify the balance, and transmit the ac-

counts, with the vouchers and certificate, to the second Comptroller, for his decision thereon; and it shall be the duty of the fifth Auditor to receive all accounts accruing in, or relative to, the Department of State, the General Post Office, and those arising out of Indian Affairs, and examine the same, and thereafter certify the balance, and transmit the accounts, with the vouchers and certificate, to the first Comptroller, for his decision thereon:

*Provided*, That the President of the United States may assign to the second or third Auditor the settlement of the accounts which are now confided to the additional Accountant of the War Department.

**SECT. 5.** That it shall be the duty of the Auditors, charged with the examination of the accounts of the War and Navy Departments, to keep all accounts of the receipts and expenditures of the public money, in regard to those departments, and of all debts due to the United States on moneys advanced relative to those departments, to receive from the second Comptroller the accounts which shall have been finally adjusted, and to preserve such accounts, with their vouchers and certificates, and to record all warrants drawn by the Secretaries of those Departments, the examination of the accounts of which has been assigned to them by the preceding section. And it shall be the duty of

Proviso; as to the accounts of the additional Accountant.

Further duties of the Auditors.

the said Auditors to make such reports on the business assigned to them, as the Secretaries of the War and Navy Departments may deem necessary, and require, for the services of those departments.

**Art. 21.**

*Auditors to report to the Secretary of the Treasury.*

**SECT. 6.** That the said Auditors shall, annually, on the first Monday in November, report to the Secretary of the Treasury the application of the money appropriated for the military and naval departments for the preceding year, which shall be laid before Congress, by him, with the annual statement of the public expenditure.

**SECT. 7. *Repealed.***

**SECT. 8.** [This section relates to the duty of the first Comptroller, and first and fifth Auditors, and has no reference to the business of the Navy Department.]

**Art. 22.**

*Duty of the second Comptroller.*

**SECT. 9.** That it shall be the duty of the second Comptroller to examine all accounts settled by the second, third, and fourth, Auditors, and certify the balances arising thereon to the Secretary of the Department in which the expenditure has been incurred; to countersign all warrants drawn by the Secretaries of the War and Navy Departments, which shall be warranted by law; to report to the said Secretaries the official forms to be issued in the different offices for disbursing the public money in those departments, and the manner and form of keeping and stating the accounts of the persons employed

therein; and it shall also be his duty to superintend the preservation of the public accounts subject to his revision.

SECT. 10. That it shall be the duty of Art. 23. the First Comptroller to superintend the recovery of all debts to the United States; to direct suits and legal proceedings, and take all such measures, as may be authorized by the laws, to enforce prompt payment of all debts to the United States.

SECT. 11. That the provision contained in the second section of the act, passed the third March, one thousand seven hundred and ninety-seven, entitled "An Act to provide more effectually for the settlement of accounts between the United States and receivers of public money," which directs that, in every case where suits has been, or shall be, instituted, a transcript from the books and proceedings of the Treasury, certified by the Register, shall be admitted as evidence, be extended, in regard to the accounts of the War and Navy Departments, to the Auditors respectively charged with the examination of those accounts, and that certificates, signed by them, shall be of the same effect as that directed to be signed by the Register.

SECT. 12. That the Auditors of the public accounts shall be empowered to administer oaths or affirmations to witnesses, in any case in which they may be required to administer oaths, &c.

deem it necessary for the due examination of the accounts with which they shall be charged.

**Art. 26.**

Secretary of the Treasury to cause all accounts of the expenditure of public money to be settled within the year, except, &c.

\*First Comptroller to lay before Congress, annually, a List of Officers failing to make settlement, &c.

**Art. 27.**

The Comptroller to distinguish between Balances, &c.

Comptroller not required to include Balances where debtors have been reported

**SECT. 13.** That it shall be the duty of the Secretary of the Treasury to cause all accounts of the expenditure of public money to be settled within the year, except where the distance of the places where such expenditure occurs may be such as to make further time necessary; and in respect to expenditures at such places, the Secretary of the Treasury, with the assent of the President, shall establish fixed periods at which a settlement shall be required. And it shall be the duty of the First Comptroller to lay before Congress, annually, during the first week of their session, a list of such officers as shall have failed in that year to make the settlement required by law.

**SECT. 14.** That, in the annual statement of all accounts on which balances appear to have been due more than three years, which the Comptroller is now required by law to make, he shall hereafter distinguish those accounts, the balances appearing on which shall, in his opinion, be owing to difficulties of form, which he may think it equitable shall be removed by an Act of Congress; and where the debtors, by whom such balances shall have been due more than three years, shall be insolvent, and have been reported to Congress for three successive years as insolvent,

the Comptroller shall not be required in ~~insolvent three~~ such case to continue to include such balances in the statement abovementioned. Art. 28.

SECT. 15. That the salary of the Comptroller, appointed by virtue of this Act, shall be three thousand dollars per annum, and that of the Auditors, each, three thousand dollars per annum. Salary of the Second Comptroller and Auditors 3,000 dolls. per annum.

SECT. 16. That all letters and packages, to and from the Comptroller and Auditors hereinbefore mentioned, be conveyed free of postage, under the same regulations that are provided by law for other officers of government; and the Secretary of the Treasury is hereby authorized to assign the several sums appropriated for clerk hire in the offices of the Accountant, additional Accountant, Superintendent General of Military Supplies, and Accountant of the Navy, to the officers hereby created, to which their respective duties shall be assigned. Art. 29.

*[Approved, 3 March, 1817.]*

AN ACT in addition to the several Acts for the Establishment and Regulation of the Treasury, War, and Navy, Departments.

*[Vol. 6, page 488.]*

Art. 30.

SECT. 1. *Be it enacted, &c.* That it shall be the duty of the Secretary of the Treasury to cause to be carried to the account of the surplus fund, any moneys, appropriated for the Department of War, or of the Navy, which may remain unexpended in the Treasury, or in the hands of the Secretary of the Treasury to assign clerk hire, &c.

Unexpended moneys, when the object of appropriation has been effected, to be carried to the surplus fund.

surer, as agent for those Departments, whenever he shall be informed, by the Secretaries of those Departments, that the object for which the appropriation Balance of moneys drawn, after the object has been effected, to be repaid to the Treasury, &c. was made has been effected. And it shall be the duty of the Secretaries of War and Navy Departments, to cause any balance of moneys drawn out of the Treasury, which shall remain unexpended, after the object for which the appropriation was made shall be effected, to be repaid to the Treasury of the United States; and such moneys, when so repaid, shall be carried to the surplus fund.

**Art. 31.** **SECT. 2.** That it shall be the duty of the Secretaries of the War and Navy Departments, to lay before Congress, on the first day of February, of each year, a statement of the appropriations of the preceding year, for their Departments respectively, showing the amount appropriated under each specific head of appropriation, the amount expended under each, and the balance remaining unexpended, either in the Treasury, or in the Treasurer's hands, as agent of the War or Navy Departments, on the thirty-first December preceding: And it shall be further the duty of the Secretaries aforesaid, to estimate the probable demands which may remain on each appropriation, and the balance shall be deducted from the estimates of their Departments, respectively, for the Accounts to be service of the current year; and ac-

Secretaries to estimate the probable demands, and balance to be deducted, &c. Accounts to be service of the current year; and ac-

counts shall also be annually rendered, in annually rendered, of sums manner and form as aforesaid, exhibiting expended, balance, &c. the sums expended out of the estimates aforesaid, and the balance, if any, which may remain on hand, together with such information, connected with the same, as shall be deemed proper. - And whenever any moneys, appropriated to the Department of War, or of the Navy, shall remain unexpended in the hands of the Treasurer, as agent of either of those Departments, for more than two years after the expiration of the calendar year in which the act of appropriation shall have been passed, or to which it refers, it shall be the duty of the Secretary of such Department to inform the Secretary of the Treasury of the fact, and the Secretary of the Treasury shall thereupon cause such moneys to be carried to the account of the surplus fund : *Provided*, That when an act making an appropriation shall assign a longer duration for the completion of its object, no transfer of any unexpended balance, to the account of the surplus fund, shall be made until the expiration of the time fixed in such act. [Altered. See post.]

SECT. 3. [This section relates entirely to the War Department.]

Art. 32.

SECT. 4. That nothing contained in the Act of March third, one thousand eight hundred and nine, entitled "An act further to amend the several acts for the

Appropriations for the service of one year not to be transferred to

another branch establishment and regulation of the Treasury, War, and Navy, Departments," of expenditure in a different year, under Act of 3d March, 1809. No appropriations in the hands of the Treasurer, as Agent, &c. to be subject to transfer under the Act of 3d March, 1809. shall be so construed, as to allow any appropriations whatever for the service of one year to be transferred to another branch of expenditure in a different year; nor shall any appropriations be deemed subject to be transferred, under the provisions of the abovementioned act, after they shall have been placed in the hands of the Treasurer as agent of the War or Navy Departments.

**Art. 33.**

**Act of 3d March, 1809,** amended.

Branches of expenditure in the War Department, a portion of the appropriations for one of which may, by the President, be applied to another.

Branches of expenditure in the Navy Department, a portion of the appropriations for one of which may, by the President, be applied to another.

**SECT. 5.** That the abovementioned act of the third of March, one thousand eight hundred and nine, shall be, and the same is hereby, so amended, that the President shall be authorized to direct a portion of the moneys appropriated for any one of the following branches of expenditure in the Military Department, viz: For the subsistence of the army, for forage, for the medical and hospital department, for the quartermaster's department; to be applied to any other of the abovementioned branches of expenditure in the same department: And that the President shall be also further authorized to direct a portion of the moneys, appropriated for any of the following branches of expenditure in the Naval Department, viz: For provisions, for medicine and hospital stores, for repairs of vessels, for clothing, to be applied to any other of the abovementioned branches of expenditure in the

same department ; and that no transfers of appropriation, from or to other branches of expenditure, shall be hereafter made.

SECT. 6. That no contract shall hereafter be made by the Secretary of State, or of the Treasury, or of the Department of War, or of the Navy, except under a law authorizing the same, or under an appropriation adequate to its fulfilment ; and excepting, also, contracts for the subsistence and clothing of the army or navy, and contracts by the quartermaster's department, which may be made by the Secretaries of those Departments.

SECT. 7. [Prohibits the purchase of land, except in pursuance of law.]

SECT. 8. That it shall be the duty of the Secretary of the Treasury to annex to the annual estimates of the appropriations required for the public service, a statement of the appropriations for the service of the year which may have been made by former acts ; and, also, a statement of the sums remaining in the Treasury, or in the hands of the Treasurer, as agent of the War and Navy Departments, from the appropriations of former years, estimating the amount of those sums which will not be required to defray expenses incurred in a previous year, and showing the whole amount which will be subject to the disposition of the executive government in the year to which the estimates apply.

SECT. 9. *A repealing section.*

[Approved, 1 May, 1820.]

Art. 34.

No contracts to be made by the Secretaries of Departments except under authority of a law, or an adequate appropriation ; and except contracts for subsistence, clothing, and quartermaster's de-

Art. 35.

Secretary of the Treasury to annex to annual estimates, a statement of appropriations for the service of the year by former acts, and of sums in the Treasury, &c.

An ACT providing for the better Organization of the Treasury Department.

[Vol. 6, page 520.]

**Art. 36.** **SECT. 1.** *Be it enacted, &c.* That it shall be the duty of such officer of the Treasury Department as the President of the United States shall, from time to time, designate for that purpose, as the agent of the Treasury, to direct and superintend suits, &c. tend all orders, suits, or proceedings, in law or equity, for the recovery of money, chattels, lands, tenements, or hereditaments, in the name, and for the use, of the United States.

**Art. 37.** **SECT. 2.** That, from and after the thirtieth day of September next, if any collector of the revenue, receiver of public money, or other officer, who shall have received the public money before it is paid into the Treasury of the United States, shall fail to render his account, or pay over the same in the manner, or within the time, required by law, it shall be the duty of the First Comptroller of the

**The 1st Comptroller to state and certify the amount due—** Treasury to cause to be stated the account of such collector, receiver of public money, or other officer, exhibiting truly the amount due to the United States, and certify the same to the agent of the Treasury, who is hereby authorized and required

**And the Agent to issue a warrant of distress against delinquent & sureties, to the Marshal.** to issue a warrant of distress against such delinquent officer and his sureties, directed to the marshal of the district in which such delinquent officer and his surety or

sureties shall reside; and where the said officer and his surety or sureties shall reside in different districts, or where they, or either of them, shall reside in a district other than that in which the estate of either may be situate, which may be intended to be taken and sold, then such warrant shall be directed to the marshals of such districts, and to their deputies, respectively; therein specifying the amount with which such delinquent is chargeable, and the sums, if any, which have been paid. And the marshal authorized to execute such warrant shall, by himself or by his deputy, proceed to levy and collect the sum remaining due, by distress and sale of the goods and chattels of such delinquent officer, having given ten days previous notice of such intended sale, by affixing an advertisement of the articles to be sold at two or more public places in the town or county where the said goods or chattels were taken, or in the town or county where the owner of such goods or chattels may reside; and if the goods and chattels be not sufficient to satisfy the said warrant, the same may be levied upon the person of such officer, who may be committed to prison, there to remain until discharged by due course of law. Notwithstanding the commitment of such officer, or if he abscond, or if goods and chattels cannot be found sufficient to satisfy the said warrant, the

Marshal or  
deputy to pro-  
ceed to levy  
and collect by  
distress and  
sale of goods  
and chattels of  
delinquent.

Ten days' no-  
tice of sale, at  
two or more  
public places,  
&c.

Goods, &c. be-  
ing insufficient,  
the person of  
the officer is li-  
able, &c.

Warrant re-  
maining un-  
satisfied by  
proceedings a-  
gainst delin-

quent, the Mar-  
shal may pro-  
ceed against  
the sureties'  
goods, &c.

Ten days' no-  
tice of sale, at  
two or more  
public places,  
&c.

Amount due by  
delinquent offi-  
cer a lien upon  
lands, &c. of  
himself and  
sureties, from  
the date of a  
levy, &c.

For want of  
goods, &c.  
lands, &c. may  
be sold.

Three weeks'  
notice of sale  
of lands, &c.  
at three public  
places.

marshal or his deputy may and shall pro-  
ceed to levy and collect the sum which  
remains due by such delinquent officer,  
by the distress and sale of the goods and  
chattels of the surety or sureties of such  
officer, having given ten days' previous  
notice of such intended sale, by affixing  
an advertisement of the articles to be  
sold, at two or more public places in the  
town or county where the said goods or  
chattels were taken, or in the town or  
county where the owner of such goods or

chattels resides. And the amount due  
by any such officer as aforesaid shall be,  
and the same is hereby declared to be, a  
lien upon the lands, tenements, and here-  
ditaments, of such officer and his sureties,  
from the date of a levy in pursuance of  
the warrant of distress issued against him  
or them, and a record thereof made in  
the office of the clerk of the district court  
of the proper district, until the same shall  
be discharged according to law. And for  
want of goods and chattels of such officer,  
or his surety or sureties, sufficient to sat-  
isfy any warrant of distress issued purs-  
uant to the provisions of this act, the lands,  
tenements, and hereditaments, of such  
officer, and his surety or sureties, or so  
much thereof as may be necessary for  
that purpose, after being advertised for

at least three weeks, in not less than three  
public places in the county or district  
where such real estate is situate, prior to

the time of sale, may and shall be sold by the marshal of such district or his deputy; and for all lands, tenements, or hereditaments, sold in pursuance of the authority aforesaid, the conveyance of the marshals or their deputies, executed in due form of law, shall give a valid title against all persons claiming under such delinquent officer or his surety or sureties.

And all moneys which may remain of the proceeds of such sales, after satisfying the said warrant of distress, and paying the reasonable costs and charges of the sale, shall be returned to such delinquent officer or surety, as the case may be:

*Provided*, That the summary process herein directed shall not affect any surety of any officer of the United States who became bound to the United States before the passing of this act; but each and every such officer shall, on or before the thirtieth day of September next, give new and sufficient sureties for the performance of the duties required of such officer.

SECT. 3. That, from and after the thirtieth day of September next, if any officer employed, or who has heretofore been employed, in the civil, military, or naval, departments of the government, to disburse the public money appropriated for the service of those departments, respectively, shall fail to render his accounts, or to pay over, in the manner, and in the times, required by law, or the

Conveyance of the Marshal to give a valid title to lands sold, &c.

Remainder of proceeds of sale, after satisfying warrant and costs, to be returned to delinquent officers or sureties.

Proviso; summary process not to affect sureties, before this Act. Officers to give new sureties by the 30th Sept. 1820.

Art. 38.

After 30th Sep. 1820, officers employed to disburse public moneys, being delinquent in rendering accounts or paying over, &c. the First or Second Comptroller to state.

and certify the regulations of the department to which accounts, and he is accountable, any sum of money remaining in the hands of such officer, it to proceed against them by warrant of distress, &c. shall be the duty of the First or Second Comptroller of the Treasury, as the case may be, who shall be charged with the revision of the accounts of such officer, to cause to be stated and certified, the account of such delinquent officer, to the agent of the Treasury, who is hereby authorized and required immediately to proceed against such delinquent officer, in the manner directed in the preceding section, all the provisions of which are hereby declared to be applicable to every officer of the government charged with the disbursement of the public money, and to their sureties, in the same manner, and to the same extent, as if they had been described and enumerated in the

Proviso ; the Agent, with approbation of the Secretary of the Treasury, may postpone proceeding, &c. said section : *Provided, nevertheless,* That the said agent of the Treasury, with the approbation of the Secretary of the Treasury, in cases arising under this or the preceding section, may postpone, for a reasonable time, the institution of the proceedings required by this act, where, in his opinion, the public interest will sustain no injury by such postponement.

**Art. 39.** **SECT. 4.** That if any person should consider himself aggrieved by any warrant issued under this act, he may prefer a bill of complaint to any district judge, &c. of the United States, setting forth therein

Persons aggrieved may prefer a bill of complaint to a district judge, &c.

the nature and extent of the injury of which he complains ; and thereupon the judge aforesaid may, if in his opinion the case requires it, grant an injunction to stay proceedings on such warrant altogether, or for so much thereof as the nature of the case requires ; but no injunction shall issue till the party applying for the same shall give bond, and sufficient security, conditioned for the performance of such judgment as shall be awarded against the complainant, in such amount as the judge granting the injunction shall prescribe ; nor shall the issuing of such injunction in any manner impair the lien produced by the issuing of such warrant. And the same proceedings shall be had on such injunction as in other cases, except that no answer shall be necessary on the part of the United States ; and if, upon dissolving the injunction, it shall appear to the satisfaction of the judge who shall decide upon the same, that the application for the injunction was merely for delay, in addition to the lawful interest which shall be assessed on all sums which may be found due against the complainant, the said judge is hereby authorized to add such damages as that, with the lawful interest, it shall not exceed the rate of ten per centum per annum on the principal sum.

No injunction until bond and security.

Injunction not to impair the lien of the warrant.

Damages, if application for the injunction was merely for delay.

SECT. 5. That such injunctions may be granted or dissolved by such judge, either in or out of court. Art. 40. Injunction, &c. either in or out of court.

**Art. 41.** **SECT. 6.** That if any person shall consider himself aggrieved by the decision of such judge, either in refusing to issue the injunction, or if granted, on its dissolution, it shall be competent for such person to lay a copy of the proceedings had before the district judge before a judge of the supreme court, to whom authority is hereby given either to grant the injunction or permit an appeal, as the case may be, if, in the opinion of such judge of the supreme court, the equity of the case requires it; and thereupon the same proceedings shall be had upon such injunction in the circuit court, as are prescribed in the district court, and subject to the same conditions in all respects whatsoever.

**Art. 42.** **SECT. 7.** That the attorneys of the United States, for the several judicial districts of the United States, in the prosecution of all suits in the same, in the name and for the benefit of the United States, shall conform to such directions and instructions, touching the same, as shall, from time to time, be given to them, respectively, by the said agent of the Treasury. And it shall, moreover, be the duty of each of the said attorneys, immediately after the end of every term of the district and circuit courts, or of any state court, in which any suit or action may be pending on behalf of the United States, under the direction of any district attorney, to forward to the said agent of the Treasury a statement of the

Attorneys of the United States to conform to instructions from the Agent of the Treasury.

Attorneys, at the end of every term, to forward a statement of cases decided, &c. and information, to the Agent, &c.

cases which have been decided during the said term, together with such information touching such cases as may not have been decided, as may be required by the said officer.

SECT. 8. That it shall be the duty of the clerks of the district and circuit courts, within thirty days after the adjournment of each successive term of the said courts respectively, to forward to the said agent of the Treasury a list of all judgments and decrees which have been entered in the said courts, respectively, during such term, to which the United States are parties, showing the amount which has been so adjudged or decreed for or against the United States, &c. and stating the term to which execution thereon will be returnable. And it shall, in like manner, be the duty of the marshals of the several judicial districts of the United States, within thirty days before the commencement of the several terms of the said courts, to make returns, to the said agent, of the proceedings which have taken place upon all writs of execution or other process which have been placed in his hands for the collection of the money which has been so adjudged and decreed to the United States in the said courts respectively.

Art. 43. Clerks of Circuit and District Courts, within 30 days after term, to forward a list of judgments and decrees entered, to the Agent, showing the amount, &c.

Marshals, within 30 days before term, to make returns to the Agent, of proceedings on writs of execution, &c.

SECT. 9. That nothing in this act contained shall be construed to take away or impair any right or remedy which the United States now have, by law, for the recovery of taxes, debts, or demands.

Art. 44. Nothing in this Act to impair any right or remedy, under laws, for the recovery of debts, &c.

[Approved, 15 May, 1820.]

An ACT further to amend the several Acts relative to the Treasury, War, and Navy, Departments.

[Acts of the 1st Session of the 17th Congress, p. 69.]

Art. 45. SECT. 1. *Be it enacted, &c.* That the 2d section of second section of the Act, entitled "An act of 8th May, act making alterations in the Treasury and War Departments," passed the eighth day of May, seventeen hundred and ninety-two; the second section of the act, 2d section of entitled "An act to alter and amend the Act of 16th July, 1793: several acts for the establishment and regulation of the Treasury, War, and Navy, Departments," passed the sixteenth day of July, seventeen hundred and ninety-eight; and the seventh section of the And 7th section of Act of act, entitled "An act to provide for the 3d March, 1817: prompt settlement of public accounts," passed the third day of March, eighteen hundred and seventeen, be, and hereby Repealed, after 30th June, 1822. are, repealed, from and after the thirtieth day of June, eighteen hundred and twenty-two.

Art. 46. SECT. 2. That on the day and year On the 30th of last aforesaid, all moneys which may remain in the hands of the Treasurer of June, 1822, all moneys remaining in the United States, as Agent of the War hands of the and Navy Departments, shall, under the Treasurer, as agent of the War & Navy Departments, respectively, be repaid into Departments, the Treasury, and carried to the credit to be repaid into the proper Department upon the books to the Treasury, &c.

Art. 47. SECT. 3. That all moneys appropriated All moneys for the use of the War and Navy De-

partments shall, from and after the day the use of the  
and year last aforesaid, be drawn from War and Na-  
the Treasury, by warrants of the Sec-  
etary of the Treasury, upon the requisi-  
tions of the Secretaries of those Depart-  
ments, respectively, countersigned by the  
Second Comptroller of the Treasury, and on requisition  
registered by the proper Auditor. of Secretaries  
of War and  
Navy, &c.

SECT. 4. That so much of the said Art. 48.  
act of the third day of March, eighteen So much of the  
hundred and seventeen, as is repugnant act of 3d Mar.  
to the foregoing provisions, be, and is hereby, repealed, from and after the thir- 1817, as is re-  
tieth day of June, eighteen hundred and pugnant, &c.  
twenty-two. [Approved, 7 May, 1822.] repealed, &c.

NOTE.—In all the appropriation acts passed since the First Session of the Seventeenth Congress, inclusive, [1821-22,] there is a proviso, that no money shall be paid to any person who is in arrears to the United States, until such person has paid into the Treasury all sums for which he may be liable. The accounting officer, on demand of the party whose pay is withheld, is to report to the Agent of the Treasury, who is to order suit within 60 days.

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An ACT in addition to the Act, entitled "An Act for the prompt settlement of Public Accounts," and for the punishment of the crime of Perjury.

[Acts of the 2nd session of the 17th Congress, p. 71.] Art. 49.

SECT. 3. That if any person shall swear Any person  
or affirm falsely, touching the expendi- swearing false-  
ture of public money, or in support of ly, shall suffer  
any claim against the United States, he as for wilful  
or she shall, upon conviction thereof, and corrupt  
suffer as for wilful and corrupt perjury.

[Approved, 1 March, 1823.]

An ACT concerning the Disbursement of Public Money.

Art. 50. [Acts of the 2nd session of the 17th Congress, p. 7.]

No advance of public money and after the passing of this act, no advance to be made.

SECT. 1. *Be it enacted, &c.* That, from any case whatever; but in all cases of contracts for the performance of any service, or the delivery of articles of any description, for the use of the United States, payments shall not exceed the value of the service rendered, or of the articles delivered, previously to such payment: *Provided*, That it shall be lawful, under the special direction of the President of the United States, to make such advances to the disbursing officers of the government, as may be necessary to the faithful and prompt discharge of their respective duties, and to the fulfilment of the public engagements: *And provided, also*, That the President of the United States may direct such advances, as he may deem necessary and proper, to such persons in the military and naval service as may be employed on distant stations, where the discharge of the pay and emoluments to which they may be entitled, cannot be regularly effected.

Art. 51.

Officers or agents of the U. S., to account quarterly yearly.

SECT. 2. That every officer or agent of the United States, who shall receive public money which he is not authorized to retain, as salary, pay, or emolument, shall render his accounts quarterly yearly to the proper accounting officers of the Treasur-

ry, with the vouchers necessary to the correct and prompt settlement thereof, within three months, at least, after the expiration of each successive quarter, if resident within the United States; and within six months, if resident in a foreign country: *Provided*, That nothing herein contained shall be construed to restrain the Secretaries of any of the Departments from requiring such returns from any officer or agent, subject to the control of such Secretaries, as the public interest may require.

SECT. 3. That every officer or agent of the United States, who shall offend against the provisions of the preceding sections, shall, by the officer charged with the direction of the department to which such offending officer is responsible, be promptly reported to the President of the United States, and dismissed from the public service: *Provided*, That in all cases, where any officer, in default as aforesaid, shall account to the satisfaction of the President for such default, he may be continued in office, any thing in the foregoing provision to the contrary notwithstanding.

SECT. 4. That no security given to, or obligation entered into with, the government, shall be in any wise impaired, by the dismissing any officer, or from failure of the President to dismiss any officer coming under the provisions of this act.

[Approved, 31 January, 1823.]

No security given to, or obligation entered into with, the government, to be impaired by dismissal or non dismissal.

#### Art. 52.

Officers or agents offending against the preceding sections, to be promptly reported to the President, and dismissed from the public service.

*Provided*.

No security given to, or obligation entered into with, the government, to be impaired by dismissal or non dismissal.

#### Art. 53.

An ACT to provide for the collection and preservation of such flags, standards, and colours, as shall have been, or may hereafter be, taken by the land and naval forces of the United States from their enemies.

[Vol. 4, page 700.]

**Art. 54.** **SECT. 1.** *Be it enacted, &c.* That the **Duty of the Secretaries of War and Navy** **in this respect.** **Secretaries of War and Na-** **cause to be collected, and transmitted to them, at the seat of the government of the United States, all such flags, standards, and colours, as shall have been, or may hereafter be, taken by the army and navy of the United States, from their enemies.**

**Art. 55.** **SECT. 2.** All the flags, standards, and colours, of the description aforesaid, which are now in the possession of the departments aforesaid, and such as may be hereafter transmitted to them, shall be, with all convenient despatch, delivered to the President of the United States, for the purpose of being, under his direction, preserved and displayed in such public place as he shall deem proper.

**Art. 56.** **SECT. 3.** The sum of five hundred dollars is hereby appropriated for the above purposes, out of any moneys in the Treasury not otherwise appropriated.

[Approved, 18 April, 1814.]

## NAVAL ARMAMENT.

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An ACT to provide a Naval Armament.

[Vol. 2, page 384.]

Whereas the depredations committed by the Algerine corsairs on the commerce of the United States, render it necessary that a naval force should be provided for its protection:

SECT. 1. *Be it therefore enacted, &c.* Art. 57. That the President of the United States <sup>President to</sup> be authorized to provide, by purchase or <sup>provide certain</sup> otherwise, equip, and employ, four ships, <sup>ships.</sup> to carry forty-four guns each, and two ships to carry thirty-six guns each.

SECT. 2, 3, 4, 5, 6, 7, 8, *superseded.*

SECT. 9. If a peace shall take place Art. 58. between the United States and the re- <sup>If peace take</sup> gency of Algiers, no further proceedings <sup>place, &c.</sup> shall be had under this act.

[Approved, 27 March, 1794.]

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An ACT supplementary to an act, entitled "An act to provide a naval armament."

[Vol. 2, page 519.]

*Be it enacted, &c.* That the President Art. 59. of the United States be authorized to <sup>President to</sup> continue the construction and equipment <sup>continue the</sup> (with all convenient expedition) of two <sup>construction</sup> frigates of forty-four and one of thirty- <sup>and equipment</sup> of three fri- six guns, any thing in the act, entitled gates.

"An act to provide a naval armament, to the contrary notwithstanding.

[Approved, 20 April, 1796.]

An ACT to provide an additional armament for the further protection of the trade of the United States, and for other purposes.

[Vol. 3, page 42.]

*Be it enacted, &c.* That the President of the United States shall be, and he is hereby, authorized and empowered to cause to be built, purchased, or hired, a number of vessels, not exceeding twelve, to be procured, nor carrying more than twenty-two guns each, to be armed, fitted out, and manned, under his direction.

[Approved, 27 April, 1798.]

An ACT to make a further appropriation for the additional naval armament.

[Vol. 3, page 112.]

*Be it enacted, &c.* That the sum of six hundred thousand dollars shall be, and hereby is, appropriated, to enable the President of the United States to cause to be built and equipped three ships or vessels, to be of a force not less than thirty-two guns each, and of the dimensions and model which he shall deem most advantageous for the public service, as part of the additional naval armament authorized by law.

[Approved, 16 July, 1798.]

[By an act of the 25th of February, 1799, six ships of not less than 74 guns, and six sloops of war of 18

guns, were authorized to be built, for which one million of dollars was appropriated, in part. See page 129, vol. 3. This law, however, was not carried into effect; an act fixing the naval peace establishment, and reducing the number of vessels of war, having passed on the third of March, 1801. The intention of building 74's was revived and carried into effect in virtue of act of 2nd of January, 1813. See post.]

An ACT fixing the pay of the captains and commanders of ships and vessels of war of the United States.

[Vol. 3, page 125.]

SECT. 1. *Be it enacted.* &c. That all the vessels in the service of the United States, mounting twenty guns and upwards, be commanded by captains; those not exceeding eighteen guns, by masters or lieutenants, according to the size of the vessel, to be regulated by the President of the United States.

SECT. 2. That the pay of captains commanding ships of thirty-two guns and upwards, be one hundred dollars per month and eight rations per day; of captains commanding ships of twenty and under thirty two guns, seventy-five dollars per month and six rations per day; of a master-commandant, sixty dollars per month and five rations per day; and of lieutenants, who may command the smaller vessels, fifty dollars per month and four rations per day.

SECT. 3. Whenever any officer as aforesaid, shall be employed in the command of a squadron on separate service, the commanders of

By what officers public vessels are to be commanded.

Pay and allowance to captains and commanders.

Art. 64.

Allowance to commanders of

squadrons and allowance of rations to such commanding officer shall be doubled during the continuance of such command, and no longer, except in the case of the commanding officer of the navy, whose allowance, while in service, shall always be at the rate of sixteen rations per day.

[Approved, 25 February, 1799.]

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An ACT authorizing the establishment of Docks.

[Vol. 3, page 130.]

Art. 65.  
Docks to be  
erected.

*Be it enacted, &c.* That two docks, for the convenience of repairing the public ships and vessels, be erected in suitable places, under the direction of the President of the United States, and that the sum of fifty thousand dollars be appropriated towards effecting this object; to be paid out of any moneys in the Treasury of the United States not otherwise appropriated.

[Approved, February 25, 1799.]

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An ACT authorizing the purchase of timber for naval purposes.

[Vol. 3, page 130.]

Art. 66.  
Timber for the  
navy to be pro-  
cured.

*Be it enacted, &c.* That the President of the United States shall be, and he is hereby, authorized to direct a sum not exceeding two hundred thousand dollars, to be paid out of any moneys in the Treasury not otherwise appropriated, to be

laid out in the purchase of growing or other timber, or of lands on which timber is growing, suitable for the navy, and to cause the proper measures to be taken to have the same preserved for the future uses of the navy.

[Approved, 25 February, 1799.

An ACT providing for a Naval Peace Establishment, and for other purposes.

[Vol. 3, page 426.]

SECT. 1. *Be it enacted, &c.* That the President of the United States be, and he is hereby, authorized, whenever the situation of public affairs shall, in his opinion, render it expedient, to cause to be sold (they being first divested of their guns and military stores, which are to be carefully preserved,) all or any of the ships and vessels belonging to the navy, except the frigates United States, Constitution, President, Chesaapeake, Philadelphia, Constellation, Congress, New-York, Boston, Essex, Adams, John Adams, and General Greene; and, also, to lay up all the frigates, thus to be retained, except such as are directed by this act to be kept in constant service in time of peace.

SECT. 2. *Repealed by act of April 21, 1806.* See post. 75.

SECT. 3. From and after the day when the reduction of the navy shall take place Component

Art. 67. The President may cause to be sold certain public vessels.

parts of a ration. as aforesaid, the navy ration shall consist of as follows:

On Sunday, fourteen ounces of bread, one and a quarter pound of beef, half a pound of flour, one quarter of a pound of suet, one half pint of distilled spirits:

Monday, fourteen ounces of bread, one pound of pork, half pint of pease, one half pint of distilled spirits:

Tuesday, fourteen ounces of bread, one pound of beef, two ounces of cheese, one half pint of distilled spirits:

Wednesday, fourteen ounces of bread, one pound of pork, half pint of rice, one half pint of distilled spirits:

Thursday, fourteen ounces of bread, one and a quarter pound of beef, half pound of flour, quarter pound of suet, one half pint of distilled spirits:

Friday, fourteen ounces of bread, four ounces of cheese, two ounces of butter, half pint of rice, half pint of molasses, one half pint of distilled spirits:

Saturday, fourteen ounces of bread, one pound of pork, half pint of pease, half pint of vinegar, one half pint of distilled spirits.

SECT. 4, *Repealed by act of April 21, 1806.* See post. 75.

SECT. 5, *Temporary.*

[Approved, 3 March, 1801.]

An ACT to provide an additional armament for the protection of the seamen and commerce of the United States.

[Vol. 3, page 530.]

SECT. 1. *Be it enacted*, &c. That the President of the United States be, and he is hereby, authorized and empowered to cause to be built, or to be purchased, (if the exigencies of the service shall require it,) four vessels of war, to carry not exceeding sixteen guns each, to be armed, manned, and fitted out, for the protection of the seamen and commerce of the United States in the Mediterranean and adjacent seas, and for other purposes, as the public service may require.

SECT. 2. The sum of ninety-six thousand dollars is hereby appropriated for the purpose aforesaid, out of any moneys in the Treasury of the United States not otherwise appropriated.

SECT. 3. The President of the United States is hereby authorized and empowered to cause to be built a number not exceeding fifteen gunboats, to be armed, manned, and fitted out, and employed for such purposes as, in his opinion, the public service may require; and a sum not exceeding fifty thousand dollars, is hereby appropriated for this purpose, out of any moneys in the Treasury of the United States not otherwise appropriated.

[Approved, 28 February, 1803.]

Art. 69. President authorized to put into service four vessels of 16 guns each.

Art. 70. Appropriation.

Art. 71. Gunboats.

An ACT supplementary to the act, entitled "An act providing for a naval peace establishment, and for other purposes."

[Vol. 3, page 619.]

**Art. 72.**

A captain of  
the navy to be  
attached to  
the Navy Yard  
at Wash-  
ton.

Other officers,  
&c. to be at-  
tached to the  
same.

SECT. 1. *Be it enacted.* &c. That the President of the United States be, and he is hereby, authorized to attach to the navy yard, at Washington, and to the frigates and other vessels laid up in ordinary in the Eastern Branch, a captain of the navy, who shall have the general care and superintendence of the same, and shall perform the duties of agent to the Navy Department, and shall be entitled to receive for his services, the pay and emoluments of a captain commanding a squadron on separate service. And the President of the United States is hereby further authorized to attach, permanently, to the said navy yard and vessels, one other commissioned officer of the navy, who shall receive for his services the pay and emoluments of a captain commanding a twenty gun ship, one surgeon and one surgeon's mate of the navy, who shall be severally allowed for their services, the same pay, rations and emoluments, as are allowed to a surgeon and to a surgeon's mate in the army of the United States, one sailing master, one head carpenter, one plumber, one head blockmaker, one head cooper, two boatswains, two gunners, one sailmaker, one storekeeper, one purser, one clerk of the yard; and also

such seamen and marines, as in the opinion of the President shall be deemed necessary: *Provided*, That the number of <sup>Proviso.</sup> seamen or marines, shall not, at any time, be greater than what is at present authorized by the act to which this is a supplement.

SECT. 2. That part of the act to which Art. 73. this is a supplement, which attaches to <sup>Repeal of part</sup> each frigate, laid up in ordinary, one sail- <sup>of a former</sup> ing master, one boatswain, one gunner, one carpenter, and one cook, one sergeant or corporal of marines, and eight marines; and to the large frigates twelve, and to the small frigates ten, seamen, and which declares that the sailingmaster shall have the care of the ships, and shall execute such duties of a purser as may be necessary, shall be and hereby is repealed.

[Approved, 27 March, 1804.]

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An ACT to appropriate a sum of money for the purpose of building Gunboats.

[Vol. 3, page 658.]

Be it enacted, &c. That the sum of sixty thousand dollars be, and the same is here- <sup>Appropriation</sup> by, appropriated, to be paid out of any <sup>for gunboats.</sup> money in the Treasury not otherwise ap- propriated, for the purpose of enabling the President to cause to be built a num- ber of gunboats, not exceeding twenty- five, for the better protection of the ports and harbours of the United States.

[Approved, 2 March, 1805.]

An ACT in addition to an act, entitled "An act supplementary to the act providing for a naval peace establishment, and for other purposes."

[Vol. 4, page 49.]

**Art. 75.** *Repealing clause.* **SECT. 1.** *Be it enacted, &c.* That the second and fourth sections of "An act providing for a naval peace establishment, and for other purposes," be, and the same are hereby, repealed. [See *ante*, 67, &c.]

**Art. 76.** *Frigates to be kept in service, at the President's discretion.* **SECT. 2.** The President of the United States is hereby authorized to keep in actual service, in time of peace, so many of the frigates and other public armed vessels of the United States, as in his judgment the nature of the service may require, and to cause the residue thereof to be laid up in ordinary in convenient ports.

**Art. 77.** *Armed vessels to be officered, &c. as the President shall direct. Proviso.* **SECT. 3.** The public armed vessels of the United States, in actual service, in time of peace, shall be officered and manned as the President of the United States shall direct: *Provided*, That the officers shall not exceed the following numbers and grades; that is to say: thirteen captains, nine masters commandant, seventy-two lieutenants, and one hundred and fifty midshipmen: but the said officers shall receive no more than half their monthly pay during the time when they shall not be under orders for actual service: *And provided farther*, That the whole number of able seaman, ordinary seaman, and boys, shall not exceed nine

*Proviso.*

hundred and twenty-five ; but the President may appoint, for the vessels in actual service, so many surgeons, surgeons' mates, sailing masters, chaplains, pursers, boatswains, gunners, sailmakers, and carpenters, as may, in his opinion, be necessary and proper.

[Approved, 21 April, 1806.]

An ACT for fortifying the ports and harbours of the United States, and for building gunboats.

[Vol. 4, page 64.]

SECT. 1. *Relates to fortifications.*

SECT. 2. A sum of money, not exceeding two hundred and fifty thousand dollars, in addition to the sums heretofore appropriated, shall be, and the same is hereby appropriated, to enable the President of the United States to cause to be built and completed a number of gunboats, not exceeding fifty, for the protection of the harbours, coasts, and commerce, of the United States ; and the President is hereby authorized to officer, man, and equip, any part or all of said gunboats, when he shall judge the same expedient, for the purposes aforesaid ; and a sum not exceeding twenty thousand dollars is hereby appropriated to defray any expense which may be incurred by officering, manning, and equipping, gunboats as aforesaid.

Art. 78. Additional gunboats to be built.

SECT. 3. The President of the United States may direct any of the armed vessels

Art. 79. Armed vessels

of the United States may be sold, at the President's discretion. vessels of the United States to be sold, whenever he shall be of opinion that the said vessel is so much out of repair, that it will not be for the interest of the United States to repair the same.

[Approved, 21 April, 1806.]

AN ACT in addition to an act, entitled "An act in addition to an act, entitled 'An act supplementary to the act providing for a naval peace establishment, and for other purposes.'"

[Vol. 4, page 116.]

**Art. 80.** *Be it enacted, &c.* That the President of the United States be, and he is hereby, authorized, in addition to the present naval peace establishment, to employ a number of able seamen, ordinary seamen, and boys, not exceeding five hundred, should the exigency of the public service require the same;

[Approved, 3 March, 1807.]

AN ACT to appropriate money for the providing of an additional number of gunboats.

[Vol. 4, page 129.]

**Art. 81.** *Be it enacted, &c.* That the President of the United States be, and he hereby is, authorized and empowered to cause to be built or purchased, armed, and equipped, a number not exceeding one hundred and eighty-eight gunboats, for the better protection of the ports and harbours of the United States, and for such other purposes as, in his opinion, the public service may require.

SECT. 2. [Appropriates eight hundred and fifty-two thousand five hundred dollars for this purpose.]

[Approved, 18 December, 1807.]

An ACT authorizing the employment of an additional naval force.

[Vol. 4, page 197.]

SECT. 1. *Be it enacted, &c.* That, in addition to the frigates now employed in actual service, there be fitted out, officered, and manned, as soon as may be, the four following frigates, to wit: the *United States*, *Essex*, *John Adams*, and *President*: and moreover, the President of the United States is hereby authorized and empowered to equip, man, and employ in actual service, so many of the public armed vessels, now laid up in ordinary, and gun boats, as, in his judgment, the public service may require; [and to cause the frigates and other armed vessels when prepared for actual service, respectively, to be stationed at such ports and places on the seacoast as he may deem most expedient, or to cruise on any part of the coast of the United States or the territories thereof.] (See post. 85.)

SECT. 2. For the purpose of carrying the foregoing provision into immediate effect, the President of the United States is hereby authorized and empowered, in addition to the number of petty officers, able seamen, ordinary seamen, and boys,

Art. 82. President authorized to man and fit out certain frigates.

Art. 83.

President authorized to appoint and employ an additional number of midshipmen, and seamen.

at present authorized by law, to appoint, and cause to be engaged and employed, as soon as may be, three hundred midshipmen, three thousand six hundred able seamen, ordinary seamen, and boys, who shall be engaged to serve for a period not exceeding two years; but the President may discharge the same sooner, if, in his judgment, their service may be dispensed with. And to satisfy the necessary expenditures to be incurred therein, a sum not exceeding four hundred thousand dollars is hereby appropriated, and shall be paid out of any moneys in the treasury not otherwise appropriated.

[Approved, 31 January, 1809.]

An ACT concerning the naval establishment.

[Vol. 4, page 241.]

**Art. 84.** **SECT. 1.** *Be it enacted, &c.* That the President may cause frigates, &c. to be laid up, in case, &c. of a favourable change in our foreign relations, shall be, and he is hereby, authorized to cause to be discharged from actual service, and laid up in ordinary, such of the frigates and public armed vessels, as, in his judgment, a due regard to the public security and interest will permit.

**SECT. 2.** So much of the first section of an act, entitled "An act to authorize the employment of an additional naval force," passed at the last session of Congress, as requires the public armed vessels to be stationed at such ports and pla-

Part of the first section of the act of 31st January, 1809, repealed.

ces on the seacoast, or cruise on the sea-coast of the United States and territories thereof, shall be, and the same is hereby, repealed. (See *ante*, 82.)

[Approved, 28 June, 1809.]

An ACT concerning the naval establishment.

[Vol. 4, page 399.]

SECT. 1. *Be it enacted, &c.* That the President of the United States be, and he is hereby, authorized and empowered to cause to be immediately repaired, equipped, and put into actual service, the frigates Chesapeake, Constellation, and Adams; and a sum not exceeding three hundred thousand dollars is hereby appropriated for that purpose.

Art. 86.

Certain frigates to be repaired and put into commission.

SECT. 2. The officers and seamen of the navy may be increased so far as may be necessary to officer, man, and equip, the vessels so to be put into service, any law to the contrary notwithstanding.

Art. 87.

Officers and seamen may be increased accordingly.

SECT. 3. The sum of two hundred thousand dollars, annually, for three years, viz: 1812, 1813, and 1814, is appropriated towards the purchase and supply of a stock of every description of timber required for ship building and other navy purposes; and the first appropriation thereof shall be made in the purchase of timber suitable for rebuilding the frigates Philadelphia, General Greene, New York, and Boston.

Art. 88.

Appropriation for the purchase of timber.

SECT. 4. The sums herein specifically appropriated, shall be paid out of any paid.

Art. 89.

How to be paid.

moneys in the Treasury not otherwise appropriated.

**Art. 90.**

**Gunboats to be laid up and distributed in different ports.**

**SECT. 5.** As soon as it shall be deemed compatible with the good of the public service, the gunboats now in commission, shall be laid up, and, with those not in commission, be distributed in the several harbours of the maritime frontier which are most exposed to attack, to be carefully kept and used as circumstances may require.

**Art. 91.**

**Pursers to be appointed by the President and Senate.**

**SECT. 6.** The pursers in the Navy of the United States, shall be appointed by the President of the United States, by and with the advice and consent of the Senate; and from and after the first day of May next, no person shall act in the character of purser, who shall not have been thus first nominated and appointed, excepting pursers on distant service, who shall not remain in service after the first day of July next, unless nominated and appointed as aforesaid.

[The remainder of this section relates to the bond to be given by pursers; but it has been superseded (and has been therefore omitted) by the following act of 1st March, 1817.]

*[Approved, 30 March, 1812.]*

An ACT supplementary to an act, entitled "An Act concerning the Naval Establishment."

[Vol. 6, page 177.]

**Art. 92.**

**Pursers to enter into bond.** **SECT. 1.** *Be it enacted, &c.* That every purser now in service, or who may hereafter be appointed, shall, instead of the

bond required by the act to which this is in the penalty of 25,000 dollars. a supplement, enter into bond, with two or more sufficient sureties, in the penalty of twenty-five thousand dollars, conditioned for the faithful discharge of all his duties as purser in the navy of the United States, which said sureties shall be approved by the judge or attorney of the United States for the district in which such purser shall reside.

SECT. 2. That, from and after the first day of May next, no person shall act in the character of purser, who shall not enter into bond as aforesaid, excepting pursers on distant service, who shall not remain in service longer than two months after their return to the United States, unless they shall comply with the provisions of the first section of this act.

[Approved, 1 March, 1817.]

**An ACT to increase the Navy of the United States.**

[Vol. 4, page 484.]

SECT. 1. *Be it enacted*, &c. That the President of the United States shall be, and he hereby is, authorized, as soon as suitable materials can be procured therefor, to cause to be built, equipped, and employed, four ships, to rate not less than seventy-four guns, and six ships, to rate forty-four guns each.

SECT. 2. There shall be employed on board each of the said ships of seventy-four guns each, one captain, six lieuten-

officers on  
board the se-  
venty-fours.

Art. 96.  
Warrant offi-  
cers on board  
the same.

ants, one captain, one first lieutenant, and one second lieutenant of marines, one surgeon, one chaplain, one purser, and three surgeons' mates.

SECT. 3. There shall be employed in each of the said ships, carrying seventy-four guns, the following warrant officers, who shall be appointed by the President of the United States: one master, one second master, three masters' mates, one boatswain, one gunner, one carpenter, one sailmaker, and twenty midshipmen; and the following petty officers, who shall be appointed by the captains of the ships, respectively, in which they are to be employed, viz: one armorér, six boatswains' mates, three gunners' mates, two carpenters' mates, one sailmaker's mate, one cooper, one steward, one master at arms, one cook, one coxswain, one boatswain's yeoman, one gunner's yeoman, one carpenter's yeoman, ten quarter gunners, eight quartermasters, and one clerk; and one schoolmaster, also to be appointed by the captain.

Art. 97.  
Complement  
of seamen.

SECT. 4. The crews of each of the said ships of seventy-four guns, shall consist of two hundred able seamen, three hundred ordinary seamen and boys, three sergeants, three corporals, one drummer, one fifer, and sixty marines.\*

\* There is no law fixing the number of officers, petty-officers, seamen, &c. &c. to be employed on board of frigates or sloops of war.

SECT. 5. The pay of the schoolmaster shall be twenty-five dollars per month, and two rations per day. Art. 98. Pay of the schoolmaster.

SECT. 6. The sum of two millions five hundred thousand dollars is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, for the building and equipping of the aforesaid ships of war. Art. 99. Appropriation.

[Approved, 2 January, 1813.]

An ACT supplementary to the act for increasing the navy.

[Vol. 4, page 525.]

SECT. 1. Be it enacted, &c. That the President be, and he is hereby, authorized to have built, six sloops of war, and to have to be built, &c. the same manned, equipped, and commissioned, for service; and that the President be authorized to have built, or procured, such a number of sloops of war, or other armed vessels, to be manned, equipped, and commissioned, as the public service may require on the lakes. Art. 100. Sloops of war. Vessels also to be prepared for the lakes.

SECT. 2. The President is hereby authorized to appoint such officers, and to employ the number of seamen which may be necessary for such vessels, as are authorized by law to be put into commission, any law to the contrary notwithstanding. Art. 101. Officers and seamen for the same.

SECT. 3. For the building or procuring said vessels, and for the payment of two hundred thousand dollars, for vessels specific appropriation. Art. 102.

already procured on the lakes, by direction of the President, the sum of nine hundred thousand dollars, out of any money in the Treasury not otherwise appropriated, shall be, and the same is hereby, appropriated.

**Art. 103.**

Appropriation  
for a dock-  
yard.

**SECT. 4.** The sum of one hundred thousand dollars is appropriated for the purpose of establishing a dockyard for repairing the vessels of war, in such central and convenient place on the seaboard as the President of the United States shall designate.

**Art. 104.**

President may  
contract for  
building any of  
the 44 gun  
ships.

**Proviso.**

**SECT. 5.** The President is hereby authorized to contract for the building any of the six forty-four gun ships authorized by law: *Provided*, That the building be under inspection of an agent appointed by the Secretary of the Navy.

**Art. 105.**

Sale of gun-  
boats authori-  
zed.

**SECT. 6.** The President of the United States is authorized to sell or dispose of such and so many of the gunboats belonging to the United States, as may have become unfit for service, or as, in his judgment, may no longer be necessary to be retained by the government.

[Approved, 3 March, 1813.]

**An ACT** authorizing the President of the United States to cause to be built barges for the defence of the ports and harbours of the United States.

[Vol. 4, page 542.]

[**NOTE.** This ACT repealed, by act of 27th Feb.  
1815.] See post.

An ACT providing for the further defence of the ports and harbours of the United States.

[Vol. 4, page 545.]

SECT. 1. Be it enacted, &c. That the President be, and he is hereby, authorized, whenever the same shall be deemed necessary for the defence and security of any of the ports and harbours of the United States, to cause to be hired or purchased, hulks, or other means of impediment to the entrance of the ships or vessels of the enemy, to be sunk with the consent of the proper authority of the state in which such port or harbour may be, and the same to be removed whenever, in his opinion, it may be done with safety to such ports or harbours.\*

SECT. 2. To defray any expense which may be incurred under this act, the sum of two hundred and fifty thousand dollars is hereby appropriated, to be paid out of any moneys in the Treasury not otherwise appropriated.

[Approved, 16 July, 1813.]

\* N. B. It is doubted whether the execution of this act comes within the province of the Secretary of the Navy. It is believed that such impediments as *chains, booms, piers, &c.* have been placed in some of the harbours of the United States, under the direction of the Secretary of War.

Art. 106.

President may cause hulks, &c. to be sunk for greater security of ports and harbours.

Art. 107.

Specific appro- priation.

An ACT authorizing the President of the United States to cause to be built, equipped, and employed, one or more floating batteries, for the defence of the waters of the United States.

[Vol. 4, page 653.]

Art. 108.  
Specific appro-  
priation.

*Be it enacted, &c.* That the sum of five hundred thousand dollars be, and the same is hereby, appropriated for the purpose of building, equipping, and putting into service, one or more floating batteries, of such magnitude and construction as shall appear to the President of the United States, best adapted to attack, repel, or destroy, any of the ships of the enemy which may approach the shores or enter the waters of the United States, and that the sum hereby appropriated shall be paid out of any moneys in the Treasury not otherwise appropriated.

[Approved, 9 March, 1814.]

An ACT authorizing the appointment of certain officers for the flotilla service.

[Vol. 4, page 686.]

[NOTE. This act repealed by act of 27th Feb. 1815.]  
(See post.)

An ACT authorizing the purchase of the vessels captured on lake Erie.

[Vol. 4, page 693.]

[NOTE. This act is obsolete.]

An ACT concerning the pay of officers, seamen, and marines, in the navy of the United States.

[Vol. 4, page 704.]

Art. 109. *Pay, &c. of* SECT. 1. *Be it enacted, &c.* That the pay and subsistence of the respective commis-

sioned and warrant officers be as follows : <sup>commissioned  
and warrant  
officers.</sup> a lieutenant, other than a master com-  
mandant, or lieutenant commanding a  
small vessel, forty dollars per month and  
three rations per day ; a chaplain, forty  
dollars per month and two rations per  
day ; a sailing master, forty dollars per  
month and two rations per day ; a sur-  
geon, fifty dollars per month and two rations  
per day ; a surgeon's mate, thirty  
dollars per month and two rations per  
day ; a purser, forty dollars per month  
and two rations per day ; a boatswain,  
twenty dollars per month and two rations  
per day ; a gunner, twenty dollars per  
month and two rations per day ; a sail-  
maker, twenty dollars per month and two  
rations per day ; and that the pay to be  
allowed to the petty officers and midship-  
men, and the pay and bounty upon en-  
listment of the seamen, ordinary seamen,  
and marines, shall be fixed by the Presi-  
dent of the United States : *Provided*, That  
the whole sum to be given for the whole  
pay aforesaid, and for the pay of officers,  
and that the amount of bounties upon en-  
listment of seamen and marines, shall not  
exceed for any year the amount which  
may, in such year, be appropriated for  
those purposes respectively.

[SECT. 2. The President is hereby au- Art. 110.  
thorized to make an addition, not exceed-  
ing twenty five per cent. to the pay of <sup>Augmentation  
of pay in cer-  
tain cases.</sup> the officers, petty officers, midshipmen,

seamen, and marines, engaged in any service, the hardships or disadvantages of which shall, in his judgment, render such an addition necessary.] *Repealed.*

[Approved, 18 April, 1814.

N. B. This act does not fix the pay of carpenters, nor is there any existing act that does.

[NOTE. The 2nd section of the above act has been repealed by an act of 22d Feb. 1817, to wit :]

An ACT to repeal the 2nd section of an act, entitled "An act concerning the pay of officers, seamen, and marines, in the navy of the United States"

[Vol. 6, page 171.]

**Art. 111.**  
Second section  
of the act of  
18th April,  
1814, repeal-  
ed.

*Be it enacted, &c.* That the second section of an act, entitled "An act concerning the pay of the officers, seamen, and marines, in the navy of the United States," passed the eighteenth of April, in the year one thousand eight hundred and fourteen, be, and the same is hereby, repealed.

[Approved, 22 February, 1817.

An ACT directing the staff officers of the army to comply with the requisitions of naval and marine officers, in certain cases.

[Vol. 4, page 725.]

**Art. 112.** **SECT. 1.** *Be it enacted, &c.* That it shall be the duty of the several officers of the staff of the army of the United States, to provide the officers, seamen, and marines, of the navy of the United States, when acting, or proceeding to act, on shore, in

co-operation with the land troops, upon <sup>navy, when</sup> acting on shore with land troops, upon requisition, &c. with rations and camp equipage, &c.

the requisition of the commanding naval or marine officer of any such detachment of seamen or marines, under orders to act as aforesaid, with rations, also the officers and seamen with camp equipage, according to the relative rank and station of each, and the military regulations in like cases, together with the necessary transportation, as well for the men as for their baggage, provisions, and cannon : *Provided, nevertheless,* That the contract price of the rations which may be furnished shall be reimbursed out of the appropriations for the support of the navy.

SECT. 2. That the respective quartermasters of the army shall, upon the requisition of the commanding naval officer of any such detachment of seamen or marines, furnish the said officer and his necessary aids with horses, accoutrements, and forage, during the time they may be employed in co-operating with the land troops as aforesaid.

Proviso ; the contract price of the rations to be reimbursed, &c.

Art. 113.

Quartermasters of the army to furnish commanding naval officers, &c. with horses, forage, &c.

[Approved, 15 December, 1814.]

AN ACT to repeal certain acts concerning the flotilla service, and for other purposes.

[Vol. 4, page 813.]

SECT. 1. *Be it enacted, &c.* That, from Art. 114. and after the first day of April next, the <sup>An act con-</sup> President of the United States to cause <sup>cerning bar-</sup> act authoriza- <sup>ges, and an</sup>

ing the appointment of officers for the flotilla service, repealed.

to be built, barges for the defence of the ports and harbours of the United States," passed the fifth day of July, in the year one thousand eight hundred and thirteen; and also an act, entitled "An act authorizing the appointment of certain officers for the flotilla service," passed the sixteenth day of April, in the year one thousand eight hundred and fourteen, shall be repealed and cease to be in force.

**Art. 115.**

Barges and other vessels of the flotilla to be sold or laid up, &c.

SECT. 2. That the barges and other vessels composing the flotilla establishment, (they being first divested of their guns and military stores, which are to be carefully preserved,) shall be sold or laid up under the direction of the President of the United States, and the moneys arising therefrom paid into the treasury thereof.

**Art. 116.**

Officers and privates discharged to receive 4 months pay, over and above, &c.

SECT. 3. That all the commissioned and warrant officers, and all the privates, who shall be discharged in consequence of the repeal of the acts aforesaid, shall be entitled to receive four months' pay, over and above what may be due to them, respectively, at the time of their discharge.

**Art. 117.**

The President authorized to cause the armed vessels on the lakes to be sold or laid up, except, &c.

SECT. 4. That the President of the United States be, and he hereby is, authorized to cause all the armed vessels thereof on the lakes, except such as he may deem necessary to enforce the proper execution of the revenue laws, to be sold or laid up, as he may judge most conducive to the public interest; such vessels being first divested of their armament, tackle, and

furniture, which are to be carefully preserved.

SECT. 5. That the act, entitled "An act authorizing the President of the United States to cause to be built, or purchased, the vessels therein mentioned," passed the fifteenth day of November, in the year one thousand eight hundred and fourteen, be, and the same is hereby, repealed; and the President of the United States is hereby authorized to cause to be sold such of the vessels acquired under the said act as he may deem inexpedient to be retained in the public service; and to cause the money arising threfrom to be paid into the public treasury.

SECT. 6. That the President of the United States be, and he is hereby, authorized to cause to be sold, they being first divested of their guns and military stores, which are to be carefully preserved, such and so many of the gunboats belonging to the United States, as in his judgment may no longer be necessary to be retained for the public service; and such of the warrant officers and privates as may be discharged in consequence of such sale, shall be entitled to receive four months' pay, over and above what may be due to them at the time of their discharge.

Art. 118.  
An act authorizing the purchase or building of vessels, repealed, &c.

Vessels acquired under the act may be sold, &c.

The President authorized to cause gun-boats to be sold, &c.

Warrant officers and privates discharged, &c. entitled to 4 months' pay, over and above, &c.

[Approved, 27 February, 1815.]

An ACT concerning the naval establishment.

[Vol. 4, page 829.]

Art. 120. 200,000 dolls. appropriated annually, for three years, towards the purchase and supply of a stock of every description of timber, &c.

SECT. 1. *Be it enacted, &c.* That, in addition to the sums heretofore appropriated for that purpose, the sum of two hundred thousand dollars be, and the same is hereby, appropriated, annually, for three years, towards the purchase and supply of a stock of every description of timber, required for ship building, and other naval purposes, to be paid out of any moneys in the Treasury not otherwise appropriated.

*Approved, 3 March, 1815.*

An ACT for the gradual increase of the Navy of the United States.

[Vol 6, page 125.]

Art. 121. 1,000,000 dols. per ann. appropriated for eight years, for the gradual increase of the Navy, &c.

SECT. 1. *Be it enacted, &c.* That, for the gradual increase of the navy of the United States, the sum of one million of dollars per annum, for eight years, is hereby appropriated, including the sum of two hundred thousand dollars per annum, for three years, or the unexpended balance thereof, appropriated by an Act approved on the third day of March, one thousand eight hundred and fifteen, entitled "An act concerning the naval establishment." [This section has been repealed by act of 3d March, 1821. See post.]

Art. 122. The President of the United States be, and he is hereby, au-

thorized to cause to be built nine ships, to cause nine ships of not less than 74, and twelve ships of not less than 44, guns to be built, &c.

to rate not less than seventy-four guns each, and twelve ships to rate not less than forty-four guns each, including one seventy-four and three forty-four gun ships, authorized to be built by an Act, bearing date on the second day of January, one thousand eight hundred and thirteen, entitled "An Act to increase the navy of the United States;" and in carrying this act into effect, the President shall be, and he is hereby, authorized, as soon as the timber and other necessary materials are procured, and the timber properly seasoned, to cause the said ships to be built and equipped; or if, in his judgment, it will more conduce to the public interest, he may cause the said ships to be framed and remain on the stocks, and kept in the best state of preservation, to be prepared for service in the shortest time practicable, when the public exigency may require them.

SECT. 3. That, for the defence of the ports and harbours of the United States, the President shall be, and he is hereby, authorized to cause to be procured the steam engines and all the imperishable materials necessary for building and equipping three steam batteries, on the most approved plan and best calculated for the waters in which they are to act: And such materials shall be secured in the best manner, to ensure the completing such batteries in the shortest time practi-

If the President judges it proper, he may cause the ships to be framed and kept on the stocks, &c.

Art. 123.

The President authorized to cause to be procured the steam engines, &c. for building and equipping three Steam Batteries, &c.

The materials to be secured in the best manner, to ensure the completing the

Batteries in  
the shortest  
time, &c.

The Block  
Ship near  
New Orleans  
to be comple-  
ted, &c.

cable, when they, or either of them, in the opinion of the President, may be required for the public service; and the President is further authorized to cause to be completed and kept in the best state of preservation, the block ship now on the stocks near New Orleans.

Art. 124. Moneys ap-  
propriated by  
this Act not to  
be transferred  
to any other  
object, nor car-  
ried to the sur-  
plus fund.

SECT. 4. That the moneys appropriated by this act shall not be transferred to any other object of expenditure, nor shall any part thereof be carried to the fund denominated the "surplus fund."

[Approved, 29 April, 1816.]

AN ACT to establish the Flag of the United States.  
[Vol. 6, page 271.]

Art. 125. SECT. 1. *Be it enacted, &c.* That, from After the 4th and after the fourth day of July next, the July, 1818, the flag of the United States be thirteen hor- Flag to be 13 horizontal stripes; alternate red and white: Stripes and 20 that the union be twenty stars, white in a Stars. blue field.

Art. 126. SECT. 2. That, on the admission of A Star to be every new state into the Union, one star added for eve- be added to the Union of the flag; and ry new State. that such addition shall take effect on the fourth day of July then next succeeding such admission.

[Approved, 4 April, 1818.]

RESOLUTION declaring the Manner in which the Vessels composing the Navy of the United States shall be named.

[Vol. 6, page 445.]

Art. 127. Resolved, &c. That all the ships of the Ships of the navy of the United States, now building,

or hereafter to be built, shall be named Navy to be named by the Secretary of the Navy, under the direction of the President of the United States, according to the following rule, to wit: Those of the first class, shall be called after the States of this Union; those of the second class, after the rivers; and those of the third class, after the principal cities and towns; taking care that no two vessels in the Navy shall bear the same name. *[Approved, 3 March, 1819.]*

**An ACT authorizing the building of a certain number of small vessels of war.**

*[Vol. 6, page 524.]*

*Be it enacted, &c.* That the President Art. 128. of the United States is hereby authorized The President to cause to be built and equipped, any authorized to number of small vessels of war (not exceeding five) which, in his judgment, the cause to be public service may require; the said vessels to be of a force not more than twelve vessels of war, guns each, according to the discretion of of not more than 12 guns each. the President. And, for carrying this act into effect, the sum of sixty thousand dollars. 60,000 dollars. lars is hereby appropriated, to be paid appropriated out of any money in the Treasury not for the object. otherwise appropriated.

*[Approved, 15 May, 1820.]*

**An ACT to amend the Act, entitled "An Act to amend the Act authorizing the employment of an additional Naval Force."**

*[Vol. 6, page 540.]*

*Be it enacted, &c.* That the second Art. 129. section of the Act, entitled "An Act au- 2d sect. of Act

of 31st Jan. 1809, amend-  
ed—So as to authorize en-  
listments for the service or  
cruise; but not to exceed three  
years. thorizing the employment of an additional  
naval force," passed on the thirty-first  
day of January, eighteen hundred and  
nine, be, and the same is hereby, amend-  
ed, so far as to authorize the enlistment  
of able seamen, ordinary seamen, and  
boys, during the continuance of the ser-  
vice or cruise for which they shall be en-  
listed; not, however, to exceed the pe-  
riod of three years.

[Approved, 15 May, 1820.]

AN ACT to amend the Act, entitled "An Act for the gradual increase of the Navy of the United States."

[Vol. 6, page 584.]

Art. 130. SECT. 1. *Be it enacted, &c.* That the first section of the Act, entitled "An Act for the gradual increase of the navy of the United States," approved April twenty-ninth, eighteen hundred and sixteen, shall be, and the same is hereby, repealed.

Art. 131. SECT. 2. That, instead of the appropriation therein contained, there shall be, and is hereby, appropriated, the sum of five hundred thousand dollars per annum, for six years, from the year eighteen hundred and twenty-one, inclusive, to be applied to carry into effect the purposes of the said act.

[Approved, 3 March, 1821.]

BY THE PRESIDENT OF THE UNITED  
STATES OF AMERICA,

## A PROCLAMATION.

[Vol. 6, page 597.]

Whereas an arrangement was entered into at the City of Washington, in the month of April, in the year of our Lord one thousand eight hundred and seventeen, between Richard Rush, Esquire, at that time acting as Secretary for the Department of State of the United States, for and in behalf of the government of the United States, and the right honourable Charles Bagot, his Britannic majesty's envoy extraordinary and minister plenipotentiary, for and in behalf of his Britannic majesty; which arrangement is in the words following, to wit:

"The naval force to be maintained upon the American lakes, by his majesty and the government of the United States, shall henceforth be confined to the following vessels on each side; that is—

"On lake Ontario, to one vessel not exceeding one hundred tons burden, and armed with one eighteen pound cannon.

"On the upper lakes, to two vessels, not exceeding like burden each, and armed with like force.

"On the waters of lake Champlain, to one vessel not exceeding like burden, and armed with like force.

"All other armed vessels on these lakes shall be forthwith dismantled, and no other

Other vessels to be dismantled.

er vessels of war shall be there built or armed.

Stipulation  
may cease on  
six months no-  
tice.

"If either party should hereafter be desirous of annulling this stipulation, and should give notice to that effect to the other party, it shall cease to be binding after the expiration of six months from the date of such notice.

Naval Force  
to be restrict-  
ed, &c.

"The naval force so to be limited shall be restricted to such services as will, in no respect, interfere with the proper duties of the armed vessels of the other party."

Arrangement  
approved by  
the Senate;  
and sanction-  
ed by the  
Prince Regent.

And whereas the Senate of the United States have approved of the said Arrangement, and recommended that it should be carried into effect; the same having also received the sanction of his royal highness the Prince Regent, acting in the name and on behalf of his Britannic majesty:

Is of full force  
and effect.

Now, therefore, I, James Monroe, President of the United States, do, by this my proclamation, make known and declare that the Arrangement aforesaid, and every stipulation thereof, has been duly entered into, concluded, and confirmed, and is of full force and effect.

Given under my hand, at the City of Washington, this twenty-eighth day of April, in the year of our Lord one thousand eight hundred and eighteen, and of the in-

dependence of the United States  
the forty-second.

JAMES MONROE.

*By the President.*

JOHN QUINCY ADAMS, Sec'y of State.

An ACT authorizing an Additional Naval Force for  
the Suppression of Piracy.

[Acts of 2nd session 17th Congress, page 3.]

Art. 133.

SECT. 1. *Be it enacted, &c.* That the President of the United States be, and he hereby is, authorized to purchase or construct vessels, to fit, equip, and man, them for immediate service, for the purpose of repressing piracy, and of affording effectual protection to the citizens and commerce of the United States in the Gulf of Mexico, and the seas and territories adjacent. [Some of them authorized to be sold. See post.]

President authorized to purchase or construct vessels, to fit, equip, and man them for immediate service, for repressing piracy, and protecting the citizens and commerce of the United States, in the Gulf of Mexico, and seas and territories adjacent.

SECT. 2. That the sum of one hundred and sixty thousand dollars be appropriated to meet the expenditure to be incurred as aforesaid, and paid out of any money in the Treasury not otherwise appropriated. [Approved, 20 December, 1822.]

Art. 134.  
160,000 dollars appropriated.

An ACT to authorize the building of ten Sloops of War, and for other purposes.

[Acts of the 2d session 18th Congress, p. 94.]

SECT. 1. *Be it enacted, &c.* That the Art. 135.

The President of the United States be, and to cause to be built a number of sloops of war, not exceeding ten, he is hereby, authorized to cause to be built, in addition to the present naval force of the United States, a number of sloops of war, not exceeding ten, to carry not less than twenty guns, each, of such description and weight of metal as the President may direct; and that the sum of five hundred thousand dollars be, and the same is hereby, appropriated, for the aforesaid purpose, out of any money in the Treasury not otherwise appropriated.

**Art. 136.** The whole or a part of the vessels purchased under the act for suppressing piracy, and the whole of the public vessels upon the Lakes.

**SECT. 2.** That the President of the United States be, and he is hereby, authorized to cause to be sold, at such time, and in such manner, as he shall judge best for the public interest, the whole, or a part, of the vessels which were purchased under the authority of the act, entitled "An act authorizing an additional naval force for the suppression of piracy," also, with the exception of the ships of the line New Orleans and Chippewa, now on the stocks, under cover at Sackett's Harbour.

**Art. 137.** Proceeds of the sales to be applied to the repairs, &c. of sloops of war.

**SECT. 3.** That the proceeds of such sales shall be applied under the direction of the President of the United States, to the repairs and building of sloops of war—which have been, or may be, authorized to be built.

[Approved, 3 March, 1825.]

An ACT authorizing the establishment of a Navy Yard and Depot, on the coast of Florida, in the Gulf of Mexico.

[Acts of the 2d session 18th Congress, page 4.]

*Be it enacted, &c.* That the President Art. 138, of the United States be, and he is hereby, authorized to select and purchase a site for a Navy Yard and Depot, on the coast of Florida, in the Gulf of Mexico, and to erect such buildings, and make such improvements, thereon as he may judge necessary for the accommodation and supply of the United States' vessels of war in that quarter; and that the sum of one hundred thousand dollars be appropriated for effecting that object, out of any moneys in the Treasury not otherwise appropriated.

*[Approved, 3 March, 1825.]*

## MARINE CORPS.

An ACT for the establishing and organizing a  
Marine Corps.

[Vol. 3, page 95.]

**Art. 139.** **SECT. 1.** *Be it enacted, &c.* That, in addition to the present military establishment, there shall be raised and organized a corps of marines, which shall consist of one major, four captains, sixteen first lieutenants, twelve second lieutenants, forty-eight sergeants, forty-eight corporals, thirty-two drums and fifes, and seven hundred and twenty privates, including the marines who have been enlisted, or are authorized to be raised for the naval armament; and the said corps may be formed into as many companies or detachments, as the President of the United States shall direct, with a proper distribution of the commissioned and non-commissioned officers and musicians to each company or detachment. (*Altered, see post.*)

**Art. 140.** **SECT. 2.** The pay and subsistence of the said officers, privates, and musicians, shall be as follows, to wit:—To a major, fifty dollars per month and four rations per day; to a captain, forty dollars per month and three rations per day; to a first lieutenant, thirty dollars per month and three rations per day; to a second lieutenant, twenty-five dollars per month

Pay, &c of the  
officers and  
privates.

and two rations per day; and to the non-commissioned officers, privates, and musicians, conformably to the act, entitled "An act providing a naval armament," as shall be fixed by the President of the United States. And the President of the United States shall be, and is hereby, authorized to continue the enlistment of marines until the said corps shall be complete, and of himself to appoint the commissioned officers, whenever, in the recess of the Senate, an appointment shall be necessary. And if the marine corps, or <sup>In a certain</sup> any part of it, shall be ordered by the <sup>event, other</sup> President to do duty on shore, and it shall <sup>officers to be</sup> become necessary to appoint an adjutant, <sup>appointed.</sup> paymaster, quartermaster, sergeant major, quarter-master-sergeant, and drum and fife major, or any of them, the major or commandant of the corps, is hereby authorized to appoint such staff officer or officers, from the line of subalterns, sergeants, and music, respectively, who shall be entitled, during the time they shall do such duty, to the same extra pay and emoluments, which are allowed by law to officers acting in the same capacity in the infantry. (*Altered, see post.*)

SECT. 3. The detachments of the corps Art. 141. of marines hereby authorized, shall be made in lieu of the respective quotas of <sup>Detachments</sup> of the corps to marines which have been established or <sup>be made in</sup> authorized for the frigates, and other <sup>lieu, &c.</sup> armed vessels and galleys, which shall

President may  
detach officers  
to serve on  
board the fri-  
gates, &c.

be employed in the service of the United States: and the President of the United States may detach and appoint such of the officers of this marine corps to act on board the frigates and any of the armed vessels of the United States, respectively, as he shall, from time to time, judge necessary; any thing in the act "providing a naval armament," to the contrary hereof notwithstanding.

Art. 142. How to be governed.

SECT. 4. The officers, non-commis-  
sioned officers, privates, and musicians,  
aforesaid, shall take the same oath, and  
shall be governed by the same rules and  
articles of war, as are prescribed for the  
military establishment of the United  
States, and by the rules for the regulation  
of the navy, heretofore, or which shall be,  
established by law, according to the na-  
ture of the service in which they shall be  
employed.

Art. 143. Exemption from arrest for debt, &c.

SECT. 5. The non-commisioned offi-  
cers, musicians, seamen, and marines, who  
are or shall be enlisted into the service of  
the United States, shall be and they are  
hereby exempted, during their term of  
service, from all personal arrests for any  
debt or contract.

Art. 144. Liable to do by this act, shall, at any time, be liable to  
duty on shore. do duty in the forts and garrisons of the  
United States, on the seacoast, or any other  
duty on shore, as the President, at his  
discretion, shall direct.

[Approved, 11 July, 1798.]

An ACT authorizing an augmentation of the marine corps.

[Vol. 3, page 267.]

*Be it enacted, &c.* That the President Art. 145. of the United States shall be, and he is hereby, authorized to cause the marine <sup>Marine corps-</sup> to be augmented- corps in the service of the United States <sup>ed.</sup> to be augmented, by the appointment and enlistment of not exceeding two first lieutenants, six second lieutenants, eight sergeants, one hundred and seventy privates, and eighteen drums and fifes, who shall be respectively allowed the same pay, bounty, clothing, and rations, and shall be employed under the same rules and regulations to which the said marine corps are or shall be entitled and subject. (See post.)

[Approved, 2 March, 1799.]

An ACT fixing the rank and pay of the commanding officer of the corps of marines.

[Vol. 3, page 344.]

*Be it enacted, &c.* That a lieutenant Art. 146. colonel commandant shall be appointed to command the corps of marines, and shall be entitled to the same pay and emoluments as a lieutenant colonel in the army of the United States; any thing in the act for the establishing and organizing a marine corps to the contrary notwithstanding; [and that the office of major of the said corps shall thereafter be abolished.] (Altered. see post.)

A lieutenant colonel commandant to be appointed.

[Approved, 22 April, 1800.]

• An ACT authorizing an augmentation of the marine corps.

[Vol. 4, page 223.]

**Art. 147.**  
Augmentation  
of the marine  
corps author-  
ized.

SECT. 1. *Be it enacted*, &c. That the President of the United States shall be, and he is hereby, authorized to cause the marine corps in the service of the United States, to be augmented, by the appointment and enlistment of not exceeding one major, two captains, two first lieutenants, one hundred and eighty-five corporals, and five hundred and ninety-four privates, who shall be respectively allowed the same pay, bounty, clothing, and rations, and shall be employed under the same rules and regulations to which the said marine corps are or shall be entitled and subject.

**Art. 148.**  
Term of enlist-  
ment.

SECT. 2. That, from and after the passage of this act, all enlistments in the said corps shall be for the term of five years, unless sooner discharged, any law to the contrary notwithstanding.

[Approved, 3 March, 1809.]

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An ACT authorizing an augmentation of the marine corps, and for other purposes.

[Vol. 4, page 685]

**Art. 149.**  
Marine corps  
to be augment-  
ed.

SECT. 1. *Be it enacted*, &c. That the President of the United States be, and he is hereby, authorized to cause the marine corps in the service of the United States, to be augmented, by the appointment and enlistment of not exceeding one

major, fourteen captains, twelve first lieutenants, twenty second lieutenants, sixty-one sergeants, forty two drums and fifes, and six hundred and ninety-six privates, who shall be respectively allowed the same pay, bounty, clothing, and rations, and shall be employed under the same rules and regulations, to which the said marine corps are or shall be entitled and subject.

SECT. 2. The adjutant, paymaster, and Art. 150. quartermaster, of the marine corps, may be taken either from the line of captains or subalterns, and the said officers shall respectively receive thirty dollars per month, in addition to their pay in the line, in full of all emoluments.

SECT. 3. The President of the United States shall be, and he is hereby, authorized to confer brevet rank on such officers of the marine corps, as shall distinguish themselves by gallant actions or meritorious conduct, or who shall have served ten years in any one grade: *Provided*, That nothing herein contained, shall be so construed as to entitle officers so brevetted to any additional pay or emoluments, except when commanding separate stations or detachments, when they shall be entitled to and receive the same pay and emoluments, which officers of the same grades are now or hereafter may be allowed by law.

The staff to be taken from the captains or subalterns.

Their pay.

President may confer brevet rank in certain cases.

*Provided*,

**Art. 152.**  
President may appoint the officers in the recess of the Senate.

**SECT. 4.** It shall be lawful for the President of the United States, in the recess of the Senate, to appoint any of the officers authorized by this act; which appointments shall be submitted to the Senate at their next session, for their advice and consent.

**Art. 153.**  
And of the navy.

**SECT. 5.** It shall be lawful for the President of the United States, in the recess of the Senate, to appoint all or any of the officers of the navy authorized by existing laws; which appointments shall be submitted to the Senate at their next session, for their advice and consent.

[Approved, 16 April, 1814.]

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**An ACT to fix the Peace Establishment of the Marine Corps.**

[Vol. 6, page 219.]

**Art. 154.**  
Number of officers, musicians, and privates.

**SECT. 1.** *Be it enacted, &c.* That the peace establishment of the marine corps shall consist of the following officers, non-commissioned officers, musicians, and privates, viz: one lieutenant colonel commandant, nine captains, twenty four first lieutenants, sixteen second lieutenants, one adjutant and inspector, one paymaster, and one quartermaster, to be taken from the said captains and lieutenants, seventy three corporals, forty two drums and fifes, and seven hundred and fifty privates.

**Art. 155.** **SECT. 2.** That the President of the United States cause the provisions of this

act to be carried into effect on the first to cause this day of April next, or as soon thereafter <sup>Act to be carried into effect</sup> as circumstances will admit, and cause on the 1st of any supernumerary officers to be discharged <sup>April, 1817 :</sup> from the service of the United States; <sup>Supernumerary officers to</sup> and to all persons so discharged, there be discharged, shall be paid three months' additional <sup>with three months' additional pay.</sup>

SECT. 3. That the President of the United States may, in the recess of the Senate, appoint any of the officers authorized by this act, which appointments shall be submitted to the Senate, at their next session, for their advice and consent. <sup>The President may appoint any of the officers in the recess of the Senate, &c.</sup>

[Approved, 3 March, 1817.]

## GOVERNMENT OF THE NAVY.

An ACT for the better government of the Navy of the United States.

[Vol. 3, page 351.]

### Art. 157.

SECT. 1. *Be it enacted, &c.* That, from and after the first day of June next, the following rules and regulations be adopted and put in force, for the government of the Navy of the United States.

### Art. 158.

Exemplary conduct incumbent on commanders.

ART. 1. The commanders of all ships and vessels of war, belonging to the Navy, are strictly enjoined and required to show, in themselves, a good example of virtue, honour, patriotism, and subordination; and be vigilant in inspecting the conduct of all such as are placed under their command, and to guard against and suppress all dissolute and immoral practices, and to correct all such as are guilty of them, according to the usage of the sea service.

### Art. 159.

Divine service and preaching.

ART. 2. The commanders of all ships and vessels in the navy, having chaplains on board, shall take care that divine service be performed in a solemn, orderly, and reverent manner, twice a day, and a sermon preached on Sunday, unless bad weather or other extraordinary accident prevent it; and that they cause all, or as many of the ship's company as can be spared from duty, to attend at every performance of the worship of Almighty God.

ART. 3. Any officer, or other person Art. 160. in the navy, who shall be guilty of op- Punishment -  
pression, cruelty, fraud, profane swear- for scandalous  
ing, drunkenness, or any other scandalous conduct, &c.  
conduct, tending to the destruction of  
good morals, shall, if an officer, be cash-  
iered, or suffer such other punishment as  
a court martial shall adjudge; if a pri-  
vate, shall be put in irons, or flogged, at  
the discretion of the captain, not exceed-  
ing twelve lashes: but if the offence re-  
quire severer punishment, he shall be tri-  
ed by a court martial, and suffer such  
punishment as said court shall inflict.

ART. 4. Every commander, or other Art. 161. officer, who shall, upon signal for battle, Penalties on  
or on the probability of an engagement, breach of duty  
neglect to clear his ship for action, or with respect  
shall not use his utmost exertions to bring to attack and  
battle. his ship to battle, or shall fail to encour-  
age, in his own person, his inferior offi-  
cers and men to fight courageously, such  
offender shall suffer death, or such other  
punishment as a court martial shall ad-  
judge; or any officer neglecting, on sight  
of any vessel or vessels of an enemy, to  
clear his ship for action, shall suffer such  
punishment as a court martial shall ad-  
judge; and if any person in the navy  
shall treacherously yield, or pusillani-  
mously cry for quarters, he shall suffer  
death, on conviction thereof by a gener-  
al court martial.

ART. 5. Every officer or private who Art. 162.

Non observ-  
ance of or-  
ders, &c.

shall not properly observe the orders of his commanding officer, or shall not use his utmost exertions to carry them into execution, when ordered to prepare for, join in, or when actually engaged in, battle; or shall, at such time, basely desert his duty or station, either then, or while in sight of an enemy, or shall induce others to do so, every person so offending shall, on conviction thereof by a general court martial, suffer death, or such other punishment as the said court shall adjudge.

Art. 163.  
Cowardice,  
&c.

ART. 6. Every officer or private who shall, through cowardice, negligence, or disaffection, in time of action, withdraw from, or keep out of, battle, or shall not do his utmost to take or destroy every vessel which it is his duty to encounter, or shall not do his utmost endeavour to afford relief to ships belonging to the United States, every such offender shall, on conviction thereof by a general court martial, suffer death, or such other punishment as the said court shall adjudge.

Art. 164.  
Papers to be  
transmitted re-  
specting cap-  
tures.

ART. 7. The commanding officer of every ship or vessel in the navy, who shall capture or seize upon any vessel, as a prize, shall carefully preserve all the papers and writings found on board, and transmit the whole of the originals, un-mutilated, to the judge of the district to which such prize is ordered to proceed, and shall transmit to the navy depart-

ment, and to the agent appointed to pay the prize money, complete lists of the officers and men entitled to a share of the capture, inserting therein the quality of every person rating, on pain of forfeiting his whole share of the prize money resulting from such capture, and suffering such further punishment as a court martial shall adjudge.

ART. 8. No person in the navy shall take out of a prize, or vessel seized as prize, any money, plate, goods, or any part of her rigging, unless it be for the better preservation thereof, or absolutely necessary for the use of any of the vessels of the United States before the same shall be adjudged lawful prize by a competent court; but the whole, without fraud, concealment, or embezzlement, shall be brought in, and judgment passed thereon, upon pain that every person offending herein shall forfeit his share of the capture, and suffer such further punishment as a court martial, or the court of admiralty, in which the prize is adjudged, shall impose.

ART. 9. No person in the navy shall strip of their clothes, or pillage, or in any manner maltreat, persons taken on board a prize, on pain of such punishment as a court martial shall adjudge.

ART. 10. No person in the navy shall give, hold, or entertain, any intercourse or intelligence to or with an enemy or

Art. 165.

Penalty on  
pillaging a  
prize.

Art. 166.

Penalty for  
pillaging cap-  
tured persons.

Art. 67.

Intercourse  
with enemies  
and rebels.

rebel, without leave from the President of the United States, the Secretary of the Navy, the Commander in chief of the fleet, or the Commander of a squadron; or in case of a vessel acting singly, from his commanding officer, on pain of death, or such other punishment as a court martial shall adjudge.

**Art. 168.** **ART. 11.** If any letter or message from an enemy or rebel be conveyed to any officer or private of the navy, and he shall not, within twelve hours, make the same known, having opportunity so to do, to his superior or commanding officer; or if any officer commanding a ship or vessel, being acquainted therewith, shall not, with all convenient speed, reveal the same to the commander in chief of the fleet, commander of a squadron, or other proper officer whose duty it may be to take cognizance thereof, every such offender shall suffer death, or such other punishment as a court martial shall adjudge.

**Art. 169.** **ART. 12.** Spies, and all persons who shall come or be found in the capacity of spies, or who shall bring or deliver any seducing letter or message from an enemy or rebel, or endeavour to corrupt any person in the navy to betray his trust, shall suffer death, or such other punishment as a court martial shall adjudge.

**Art. 170.** **ART. 13.** If any person in the navy shall make, or attempt to make, any mu-

*Punishment of spies, &c.*

*Mutiny and sedition.*

tinous assembly, he shall, on conviction thereof by a court martial, suffer death; and if any person as aforesaid, shall utter any seditious or mutinous words, or shall conceal or connive at any mutinous or seditious practices, or shall treat with contempt his superior, being in the execution of his office; or being witness to any mutiny or sedition, shall not do his utmost to suppress it, he shall be punished at the discretion of a court martial.

ART. 14. No officer or private in the navy shall disobey the lawful orders of his superior officer, or strike him, or draw, or offer to draw, or raise any weapon against him, while in the execution of the duties of his office, on pain of death, or such other punishment as a court martial shall inflict.

ART. 15. No person in the navy shall quarrel with any other person in the navy, nor use provoking or reproachful words, gestures, or menaces, on pain of such punishment as a court martial shall adjudge.

ART. 16. If any person in the navy shall desert to an enemy or rebel, he shall suffer death.

ART. 17. If any person in the navy shall desert, or shall entice others to desert, he shall suffer death, or such other punishment as a court martial shall adjudge; and if any officer or other person belonging to the navy, shall receive or

Disobedience of orders, and assault of a superior officer.

ART. 171. Disobedience of orders, and assault of a superior officer.

ART. 172. Quarrelling.

ART. 173. Deserion to an enemy.

ART. 174. Deserion generally. \*

entertain any deserter from any other vessel of the navy, knowing him to be such, and shall not, with all convenient speed, give notice of such deserter to the commander of the vessel to which he belongs, or to the commander in chief, or to the commander of the squadron. he shall, on conviction thereof, be cashiered, or be punished at the discretion of a court martial. All offences committed by persons belonging to the navy while on shore, shall be punished in the same manner as if they had been committed at sea.

Offences committed on shore.

ART. 18. If any person in the navy

Art. 175. shall knowingly make or sign, or shall aid, abet, direct, or procure, the making or signing of any false muster, or shall execute, or attempt, or countenance, any fraud against the United States, he shall, on conviction, be cashiered, and rendered forever incapable of any further employment in the service of the United States, and shall forfeit all the pay and subsistence due him, and suffer such other punishment as a court martial shall inflict.

False musters, and frauds, against the United States.

ART. 19. If any officer or other person in the navy shall, through intention, negligence, or any other fault, suffer any vessel of the navy to be stranded, or run upon rocks or shoals, or hazarded, he shall suffer such punishment as a court martial shall adjudge.

Improper navigation of vessels.

ART. 20. If any person in the navy Art. 177. shall sleep upon his watch, or negligent- Negligence in ly perform the duty assigned him, or the perfor- leave his station before regularly reliev- mance of duty. ed, he shall suffer death, or such punish- ment as a court martial shall adjudge; or if the offender be a private, he may, at the discretion of the captain, be put in irons, or flogged not exceeding twelve lashes.

ART. 21. The crime of murder, when Art. 178. committed by any officer, seaman, or ma- Murder. rine, belonging to any public ship or ves- sel of the United States, without the ter- ritorial jurisdiction of the same, may be punished with death by the sentence of a court martial.

ART. 22. The officers and privates of Art. 179. every ship or vessel, appointed as con- Duties in rela- voy to merchant or other vessels, shall tion to convoy. diligently and faithfully discharge the du- ties of their appointment, nor shall they demand or exact any compensation for their services, nor maltreat officers or crews of such merchant or other vessels, on pain of making such reparation as a court of admiralty may award, and of suf- fering such further punishment as a court martial shall adjudge.

ART. 23. If any commander, or other Art. 180. officer, shall receive, or permit to be re- Penalty on re- ceived, on board his vessel, any goods or ceiving mer- merchandise other than for the sole use chandise on of his vessel, except gold, silver, or jew- board.

els, and except the goods or merchandise of vessels which may be in distress, or shipwrecked, or in imminent danger of being shipwrecked, in order to preserve them for their owner, without orders from the President of the United States or the Navy Department, he shall, on conviction thereof, be cashiered, and be incapacitated forever afterwards for any place or office in the navy.

**Art. 181.**

Waste, embezzlement, &c. of public property.

**ART. 24.** If any person in the navy shall waste, embezzle, or fraudulently buy, sell, or receive, any ammunition, provisions, or other public stores; or if any officer, or other person, shall knowingly permit, through design, negligence, or inattention, any such waste, embezzlement, sale, or receipt, every such person shall forfeit all the pay and subsistence then due him, and suffer such further punishment as a court martial shall direct.

**Art. 182.**

Burning public property, &c.

**ART. 25.** If any person in the navy shall unlawfully set fire to or burn any kind of public property, not then in the possession of an enemy, pirate, or rebel, he shall suffer death: and if any person shall, in any other manner, destroy such property, or shall not use his best exertions to prevent the destruction thereof by others, he shall be punished at the discretion of a court martial.

**Art. 183.**  
Theft.

**ART. 26.** Any theft not exceeding twenty dollars may be punished at the discre-

tion of the captain, and above that sum, as a court martial shall direct.

ART. 27. If any person in the navy shall, when on shore, plunder, abuse, or maltreat, any inhabitant, or injure his property in any way, he shall suffer such punishment as a court martial shall adjudicate.

ART. 28. Every person in the navy shall use his utmost exertions to detect, apprehend, and bring to punishment, all offenders, and shall, at all times, aid and assist all persons appointed for this purpose, on pain of such punishment as a court martial shall adjudge.

ART. 29. Each commanding officer shall, whenever a seaman enters on board, cause an accurate entry to be made in the ship's books, of his name, time and term of his service ; and, before sailing, transmit to the Secretary of the Navy, a complete list or muster roll of the officers and men under his command, with the date of their entering, time and terms of their service, annexed ; and shall cause similar lists to be made out on the first day of every second month, to be transmitted to the Secretary of the Navy, as opportunities shall occur ; accounting in such lists or muster rolls, for any casualties which may have taken place since the last list or muster roll. He shall cause to be accurately minuted on the ship's books, the names of, and times at

Offences  
against people on shore,

Detection and  
apprehension  
of offenders.

Art. 186.  
Muster rolls  
and ship's  
books.

Inspection of provisions.

Officers and men detached from the ships to be furnished with certain statements.

Rules to be hung up and read.

Treatment of the sick.

Paying off.

which, any death or desertion may occur ; and in case of death shall take care that the purser secure all the property of the deceased for the benefit of his legal representative or representatives. He shall cause frequent inspections to be made into the condition of the provisions, and use every precaution for its preservation. He shall, whenever he orders officers and men to take charge of a prize, and proceed to the United States, and whenever officers or men are sent from his ship, for whatever cause, take care that each man be furnished with a complete statement of his account, specifying the date of his enlistment, and the period and terms of his service ; which account shall be signed by the commanding officer and purser. He shall cause the rules for the government of the navy to be hung up in some public part of the ship, and read once a month to his ship's company. He shall cause a convenient place to be set apart for sick or disabled men, to which he shall have them removed, with their hammocks and bedding, when the surgeon shall so advise, and shall direct that some of the crew attend them and keep the place clean ; and if necessary, shall direct that cradles and buckets with covers be made for their use : And when his crew is finally paid off he shall attend in person, or appoint a proper officer, to see that justice be done to the men, and to

the United States, in the settlement of the accounts. Any commanding officer offending herein shall be punished at the discretion of a court martial.

ART. 30. No commanding officer shall, Art. 187. of his own authority, discharge a commis- Treatment of sioned or warrant officer, nor strike nor inferior offi- punish him otherwise than by suspension, cers and men. or confinement, nor shall he, of his own authority, inflict a punishment on any private beyond twelve lashes with a cat-of-nine-tails, nor shall he suffer any wired or other than a plain cat-of-nine-tails to be used on board of his ship.; nor shall any officer who may command by accident, or in the absence of the commanding officer, (except such commander be absent for a time by leave,) order or inflict any other punishment than confinement, for which he shall account on the return of such absent commanding officer. Nor shall any commanding officer Petty officers receive on board any petty officers or men or men turned turned over from any other vessel to him, over, &c. to unless each of such officers and men pro- produce an ac- duce to him an account, signed by the captain and purser of the vessel from which they came, specifying the date of such officer's or man's entry, the period and terms of service, the sums paid and the balance due him, and the quality on which he was rated on board such ship. Nor shall any commanding officer, having received any petty officer or man as afore-  
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**Petty officers and men turned over, not to be rated lower.** said, rate him in a lower or worse station than that in which he formerly served: any commanding officer offending herein, shall be punished at the discretion of a court martial.

**Art. 188.**

**Master-at-arms.**

**ART. 31.** Any master at arms, or other person of whom the duty of master at arms is required, who shall refuse to receive such prisoners as shall be committed to his charge, or having received them, shall suffer them to escape, or dismiss them without orders from proper authority, shall suffer in such prisoner's stead, to be punished otherwise at the discretion of a court martial.

**Art. 189.**

**Crimes not specified.**

**ART. 32.** All crimes committed by persons belonging to the navy, which are not specified in the foregoing articles, shall be punished according to the laws and customs in such cases at sea.

**Art. 190.**

**Who are petty officers.**

**ART. 33.** All officers not holding commissions or warrants, or who are not entitled to them, except such as are temporarily appointed to the duties of a commissioned or warrant officer, are deemed petty officers.

**Art. 191.**

**Assignment of wages and prize money.**

**ART. 34.** Any person entitled to wages or prize money, may have the same paid to his assignee, provided the assignment be attested by the captain and purser; and in case of the assignment of wages, the power shall specify the precise time they commence. But the commander of every vessel is required to discourage his

crew from selling any part of their wages or prize money, and never to attest any power of attorney, until he is satisfied that the same is not granted in consideration of money given for the purchase of wages or prize money.

#### NAVAL GENERAL COURTS MARTIAL.

ART. 35. General courts martial may be convened as often as the President of the United States, the Secretary of the Navy, or the Commander-in-chief of the fleet, or Commander of a squadron, while acting out of the United States, shall deem it necessary: *Provided*, That no general court martial shall consist of more than thirteen, nor less than five, members; and as many officers shall be summoned on every such court as can be convened without injury to the service, so as not to exceed thirteen; and the senior officer shall always preside, the others ranking agreeably to the date of their commissions; and in no case, where it can be avoided without injury to the service, shall more than one half the members, exclusive of the president, be junior to the officer to be tried.

ART. 36. Each member of the court, before proceeding to trial, shall take the following oath, or affirmation, which the judge advocate, or person officiating as such, is hereby authorized to administer:

“I, A B, do swear, or affirm, that I will Oath of mem-

bers of general truly try, without prejudice or partiality, courts martial. the case now depending, according to the evidence which shall come before the court, the rules for the government of the navy, and my own conscience ; and that I will not by any means divulge or disclose the sentence of the court until it shall have been approved by the proper authority ; nor will I at any time divulge or disclose the vote or opinion of any particular member of the court, unless required so to do before a court of justice in due course of law."

**Art. 194.**  
Giving of testimony.

**ART. 37.** All testimony given to a general court martial, shall be on oath or affirmation, which the president of the court is hereby authorized to administer ; and if any person shall refuse to give his evidence as aforesaid, or shall prevaricate, or shall behave with contempt to the court, it shall and may be lawful for the court to imprison such offender at their discretion ; provided that the imprisonment in no case shall exceed two months ; and every person who shall commit wilful perjury on examination on oath or affirmation before such court, or who shall corruptly procure or suborn any person to commit such wilful perjury, shall and may be prosecuted by indictment or information, in any court of justice of the United States, and shall suffer such penalties as are authorized by the laws of the United States in cases of

perjury or the subornation thereof. And in every prosecution for perjury or the subornation thereof, under this act, it shall be sufficient to set forth the offence charged on the defendant, without setting forth the authority by which the court was held, or the particular matters brought or intended to be brought before the said court.

ART. 38. All charges, on which an application for a general court martial is founded, shall be exhibited in writing to the proper officer, and the person demanding the court shall take care that the person accused be furnished with a true copy of the charges, with the specifications, at the time he is put under arrest; nor shall any other charge or charges, than those so exhibited, be urged against the person to be tried before the court, unless it appear to the court that intelligence of such charge had not reached the person demanding the court, when the person so to be tried was put under arrest, or that some witness material to the support of such charge, who was at that time absent, can be produced; in which case, reasonable time shall be given to the person to be tried to make his defence against such new charge. Every officer so arrested is to deliver up his sword to his commanding officer, and to confine himself to the limits assigned him, under pain of dismission from service,

Art. 195. *Exhibition of charges.*

*Treatment of an arrested officer.*

## Art. 196.

Continuance  
of general  
courts martial.

ART. 39. When the proceedings of any general court martial shall have commenced, they shall not be suspended or delayed on account of the absence of any of the members, provided five or more be assembled; but the court is enjoined to sit from day to day, Sundays excepted, until sentence be given: and no member of said court shall, after the proceedings are begun, absent himself therefrom, unless in case of sickness, or orders to go on duty from a superior officer, on pain of being cashiered.

## Art. 197.

Order of sus-  
pension.

ART. 40. Whenever a court martial shall sentence any officer to be suspended, the court shall have power to suspend his pay and emoluments, for the whole or any part of the time of his suspension.

## Art. 198.

How sentences  
are to be given  
and confirmed.

ART. 41. All sentences of courts martial which shall extend to the loss of life, shall require the concurrence of two-thirds of the members present; and no such sentence shall be carried into execution, until confirmed by the President of the United States; or if the trial take place out of the United States, until it be confirmed by the commander of the fleet or squadron. All other sentences may be determined by a majority of votes, and carried into execution on confirmation of the commander of the fleet, or officer ordering the court, except such as go to the dismission of a commissioned or warrant officer, which are first to be

approved of by the President of the United States.

A court martial shall not, for any one offence not capital, inflict a punishment beyond one hundred lashes. Not more than 100 lashes.

ART. 42. The President of the United States, or, when the trial takes place out of the United States, the commander of the fleet or squadron, shall possess full power to pardon any offence committed against these articles, after conviction, or to mitigate the punishment decreed by a court martial. Art. 199. Pardon and mitigation of punishments.

SECT. 2. ART. 1. *And be it further enacted*, That courts of inquiry may be ordered by the President of the United States, the Secretary of the Navy, or the Commander of a fleet or squadron, provided such court shall not consist of more than three members, who shall be commissioned officers, and a judge advocate or person to do duty as such; and such courts shall have power to summon witnesses, administer oaths, and punish contempt, in the same manner as courts martial. But such court shall merely state facts, and not give their opinion, unless expressly required so to do in the order for convening; and the party, whose conduct shall be the subject of inquiry, shall have permission to cross-examine all the witnesses. Art. 200. Courts of inquiry may be ordered.

ART. 2. The proceedings of courts of inquiry shall be authenticated by the sig. Proceedings, Art. 201.

how authenti- nature of the president of the court and  
cated. judge advocate, and shall, in all cases not  
capital, or extending to the dismission of  
a commissioned or warrant officer, be evi-  
dence before a court martial, provided  
oral testimony cannot be obtained.

**Art. 202.** ART. 3. The judge advocate, or per-  
son officiating as such, shall administer to  
the members the following oath or affir-  
mation :

Oaths of the  
members and  
judge advo-  
cate.

“ You do swear, or affirm, well and  
truly to examine and inquire, according to  
the evidence, into the matter now before  
you, without partiality or prejudice.”

After which the president shall admin-  
ister to the judge advocate, or person  
officiating as such, the following oath or  
affirmation :

“ You do swear, or affirm, truly to re-  
cord the proceedings of this court, and  
the evidence to be given in the case in  
hearing.”

**Art. 203.** *And be it further enacted,*  
In case of the That in all cases where the crews of the  
loss of the ves- ships or vessels of the United States shall  
sel, the com- be separated from their vessels, by the  
mand of the latter being wrecked, lost, or destroyed,  
officers shall all the command, power, and authority,  
remain in given to the officers of such ships or ves-  
force. sels, shall remain and be in full force as  
effectually as if such ship or vessel were  
not so wrecked, lost, or destroyed, until  
such ship's company be regularly dis-  
charged from or ordered again into the

service, or until a court martial shall be held to inquire into the loss of such ship or vessel; and if, by the sentence of such court, or other satisfactory evidence, it shall appear that all or any of the officers and men of such ship's company did their utmost to preserve her, and after the loss thereof behaved themselves agreeably to the discipline of the navy, then the pay and emoluments of such officers and men, or such of them as shall have done their duty as aforesaid, shall go on until their discharge or death; and every officer or private who shall, after the loss of such vessel, act contrary to the discipline of the navy, shall be punished at the discretion of a court martial, in the same manner as if such vessel had not been so lost.

SECT. 4. *And be it further enacted*, Art. 204. That all pay and emoluments of such officers and men, of any of the ships or vessels of the United States, taken by an enemy, who shall appear, by the sentence of a court martial, or otherwise, to have done their utmost to preserve and defend their ship or vessel, and, after the taking thereof, have behaved themselves obediently to their superiors, agreeably to the discipline of the navy, shall go on and be paid them, until their death, exchange, or discharge.

SECT. 5. *And be it further enacted*, Art. 205. That the proceeds of all ships and ves-

To whom the

proceeds of  
prizes shall  
accrue.

sels, and the goods taken on board of them, which shall be adjudged good prize, shall, when of equal or superior force to the vessel or vessels making the capture, be the sole property of the captors, and when of inferior force shall be divided equally between the United States and the officers and men making the capture.

**Art. 206.**  
Distribution  
of prize mo-  
ney.

SECT. 6. *And be it enacted*, That the prize money belonging to the officers and men, shall be distributed in the following manner:

1. To the commanding officers of fleets, squadrons, or single ships, three-twentieths, of which the commanding officer of the fleet or squadron shall have one-twentieth, if the prize be taken by a ship or vessel acting under his command, and the commander of single ships two-twentieths; but where the prize is taken by a ship acting independently of such superior officer, the three-twentieths shall belong to her commander.

2. To sea lieutenants, captains of marines, and sailing masters, two-twentieths; but where there is a captain, without a lieutenant of marines, these officers shall be entitled to two-twentieths, and one third of a twentieth, which third, in such case, shall be deducted from the share of the officers mentioned in article No. 3. of this section.

3. To chaplains, lieutenants of ma-

rines, surgeons, pursers, boatswains, gunners, carpenters, and masters' mates, two-twentieths.

4. To midshipmen, surgeons' mates, captains' clerks, school-masters, boatswains' mates, gunners' mates, carpenters' mates, ships' stewards, sailmakers, masters at arms, armorers, coxswains, and coopers, three-twentieths and a half.

5. To gunners' yeomen, boatswains' yeomen, quartermasters, quarter gunners, sailmakers' mates, sergeants and corporals of marines, drummers, fifers, and extra petty officers, two-twentieths and a half.

6. To seamen, ordinary seamen, marines, and all other persons doing duty on board, seven-twentieths.

7. Whenever one or more public ships or vessels are in sight at the time any one or more ships are taking a prize or prizes, they shall all share equally in the prize or prizes, according to the number of men and guns on board each ship in sight.

No commander of a fleet or squadron shall be entitled to receive any share of prizes taken by vessels not under his immediate command; nor of such prizes as may have been taken by ships or vessels intended to be placed under his command, before they have acted under his immediate orders; nor shall a commander of a fleet or squadron, leaving the

station where he had the command, have any share in the prizes taken by ships left on such station, after he has gone out of the limits of his said command.

Art. 207.  
Bounty given  
in certain  
cases.

SECT. 7. *And be it further enacted,* That a bounty shall be paid by the United States, of twenty dollars, for each person on board any ship of an enemy, at the commencement of an engagement, which shall be sunk or destroyed by any ship or vessel belonging to the United States, of equal or inferior force, the same to be divided among the officers and crew in the same manner as prize money.

[Approved, 23 April, 1800.

N. B. The remaining sections of this act will be found under the head of "navy pensions."

## PENSIONS.

### I. NAVY PENSIONS.

### II. PRIVATEER PENSIONS.

#### I. NAVY PENSIONS.

[Vol. 3, page 361.]

(*The former part of this act is comprised under the head of "Government of the Navy."*)

**SECT. 8.** *And be it enacted, That every officer, seaman, or marine, disabled in the line of his duty, shall be entitled to receive, for life, or during his disability, a pension from the United States, according to the nature and degree of his disability, not exceeding one half his monthly pay.*

Art. 208.

Pensions to persons disabled in the service.

**SECT. 9.** *And be it enacted, That all money accruing, or which has already accrued, to the United States, from the sale of prizes, shall be and remain forever a fund for the payment of pensions and half pay, should the same be hereafter granted, to the officers and seamen who may be entitled to receive the same; and if the said fund shall be insufficient for the purpose, the public faith is hereby pledged to make up the deficiency; but if it should be more than sufficient, the surplus shall be applied to the making of further provision for the comfort of the*

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disabled officers, seamen, and marines, and for such as, though not disabled, may merit, by their bravery, or long and faithful services, the gratitude of their country.

**Art. 210.** *SECT. 10. And be it further enacted,*  
 To be under the management of the Secretaries of the Navy, Treasury, and War, and the time being, who are hereby authorized to receive any sums to which the United States may be entitled from the sale of prizes, and employ and invest the same, and the interest arising therefrom, in any manner which a majority of them may deem most advantageous: and it shall be the duty of the said commissioners to lay before Congress, annually, in the first week of their session, a minute statement of their proceedings relative to the management of said fund.

*[Approved, 23 April, 1800.]*

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 An ACT in relation to the navy pension fund.

[Vol. 3, page 615.]

**Art. 211.** *SECT. 1. Be it enacted, &c.* That all the money accruing, or which has already accrued, to the United States, from the capture of prizes authorized by law, and which has not already been paid to the Secretary of the Navy, the Secretary of the Treasury, and the Secretary of War, as Money arising from captures to be paid to the Treasurer of the United States.

commissioners of the navy pension fund, shall be paid to the Treasurer of the United States.

SECT. 2. It shall be the duty of the Art. 212. Treasurer of the United States to receive all the money so accruing, and to disburse How to be disbursed. the same pursuant to warrants from the Secretary of the Navy, countersigned by the accountant of the navy; and a distinct quarterly account of the moneys thus received and disbursed shall be rendered by the said treasurer to the accounting officers of the treasury, in the same manner as is provided for other public moneys received by him.

SECT. 3. It shall be the duty of the Art. 213. accountant of the navy to receive and settle all accounts whatever, in relation to the navy pension fund, and report, from time to time, all such settlements as shall have been made by him, for the inspection and revision of the accounting officers of the treasury, in the same manner as in other cases of public accounts. Accountant of the Navy to settle all navy pension accounts, &c.

SECT. 4. The Comptroller of the Art. 214. Treasury shall be fully authorized and empowered to direct suits for the recovery of any sums now due, or which may hereafter be due, to the United States, for prizes as aforesaid, and to prosecute the same in the name of the United States, in the same manner as in other cases for the recovery of moneys due to the United States. Comptroller authorized to institute suits for prize money.

**Art. 215.** **SECT. 5.** The commissioners of the navy pension fund shall be, and they are hereby, authorized to appoint a secretary, who shall perform all such duties in relation to the fund, as they shall require of him; and shall receive for his services, a salary not exceeding two hundred and fifty dollars per annum, to be paid quarterly at the Treasury of the United States, and charged to the same fund.

**Art. 216.** **SECT. 6.** The commissioners of the navy pension fund shall be, and they are hereby, authorized and directed to make such regulations, as may to them appear expedient, for the admission of persons on the roll of navy pensioners, and for the payment of the pensions.

[Approved, 26 March, 1804.  
[An additional act, of 16th April, 1816.] See post.

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An ACT providing navy pensions in certain cases.

[Vol. 4, page 486.]

**Art. 217.** **Be it enacted, &c.** That if any officer of the navy or marines shall be killed, or die by reason of a wound received in the line of his duty, leaving a widow, or, if no widow, a child or children, under sixteen years of age, such widow, or, if no widow, such child or children, shall be entitled to receive half the monthly pay to which the deceased was entitled at the time of his death, which allowance shall continue for and during the term of five

years: but in case of the death or intermarriage of such widow, before the expiration of the said term of five years, the half pay for the remainder shall go to the child or children of the said deceased officer: *Provided*, That such half pay *Proviso*: shall cease on the death of such child or children: and the money required for this purpose shall be paid out of the navy pension fund, under the direction of the commissioners of that fund.

[Approved, 20 January, 1813.]

An ACT giving pensions to the orphans and widows of persons slain in the public or private armed vessels of the United States.

[Vol. 4, page 652.]

SECT. 2. If any seaman or marine belonging to the navy of the United States shall die, or if any officer, seaman, or marine, belonging to the navy of the United States, shall have died since the 18th day of June, in the year of our Lord 1812, by reason of a wound received in the line of his duty, leaving a widow, or, if no widow, a child or children under sixteen years of age, such widow, or, if no widow, such child or children, shall be entitled to receive half the monthly pay to which the deceased was entitled at the time of his death, which allowance shall continue for the term of five years; but in the case of the death or intermarriage of such widow

Art. 218.

Widows &c.  
of officers, sea-  
men, and ma-  
rines, entitled  
to half pay.

Proviso.

before the expiration of the said term of five years, the half pay for the remainder of the term shall go to the child or children of the deceased: *Provided*, That such half pay shall cease on the death of such child or children. And the money required for this purpose shall be paid out of the navy pension fund under the direction of the commissioners of that fund.

[*Approved, 4 March, 1814.*]

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An ACT granting pensions to the officers and seamen serving on board the revenue cutters, in certain cases.

[*Vol. 4, page 690.*]

**Art. 219.** *Be it enacted*, &c. That the officers and seamen of the revenue cutters of the United States, who have been or may be wounded or disabled in the discharge of their duty whilst co-operating with the placed on the pension list. United States, shall be entitled to be placed on the navy pension list, at the same rate of pension, and under the same regulations and restrictions, as are now provided by law for the officers and seamen of the navy.

[*Approved, 18 April, 1814.*]

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An ACT in addition to an act, entitled "An act in relation to the Navy Pension Fund."

[*Vol. 6, page 64.*]

**Art. 220.** **SECT. 1.** *Be it enacted*, &c. That, in Proceeds of all cases of prizes captured by the public

armed ships of the United States, which sales of prizes  
 shall be sold under the order of the proper prize court, captured by  
 interlocutory or final decree, it shall be the duty of the marshal  
 of the United States making the sale, to ships, to be  
 pay the proceeds thereof into the registry paid by the  
 of the proper court, within thirty days marshal into  
 after such sale shall be made and closed ; the registry of  
 and immediately upon the payment into the court  
 the registry of the proceeds as aforesaid, within thirty  
 it shall be the duty of the clerk of the days, and the  
 court to deposit the same in some bank, clerk immedi-  
 to be designated by the judge or judges of ately to depo-  
 the court, subject to the order and sit the same  
 distribution of the court as in other cases ; in some bank,  
 and when the said prizes shall have been When the pri-  
 duly condemned, it shall be the duty of zes are con-  
 the court to direct the share of such pri- demned, the  
 zes belonging to the United States to be court is to di-  
 forthwith carried, in the account with rect the share  
 such bank, to the credit of the Treasurer of the United  
 of the United States, on account of the States to be  
 Navy Pension Fund, and copies of the carried to the  
 certificate of such deposite and credit credit of the  
 shall be thereupon transmitted to the Treasurer, &c.  
 Treasurer of the United States and to  
 the Secretary of the Navy, as soon as  
 may be, by the clerk of such court ; and  
 the share of such prizes belonging to the The share of  
 captors, deposited as aforesaid, shall be the captors to  
 paid over to the parties entitled, or to be paid over  
 their authorized agent or agents, upon the upon the or-  
 order of the proper court in term, or of court or judge,  
 the judge or judges of such court in vaca-  
 tion.

**Art. 221. SECT. 2.** That it shall be the duty of Marshals and the marshals of the several districts of clerks to settle the United States, and of the clerks of their accounts in prize cases the respective courts of the United States, to state and settle their respective accounts in all cases of prizes captured within 60 days after final adjudication, unless the court as aforesaid, specifying therein all costs assigns a different time. and charges taxed, claimed, and paid, by them, and to submit the same to the proper court having cognizance thereof, for examination and allowance, within sixty days after a final adjudication of such causes, unless a different time shall be assigned by such court; and thereupon term or judges such courts in term, or any judge thereof in vacation, may summarily to hear, examine, and allow, the same accounts; and, after such allowance, one copy of the same accounts shall be filed among the records of the court, and another copy shall be transmitted, by the clerk of the court, to the Secretary of the Navy, within thirty days after the allowance thereof.

**Art. 222. SECT. 3.** That it shall be the duty of District Attorneys to transmit to the Secretary of the Navy a statement of all prizes captured as aforesaid, which shall be libelled, condemned, or restored, at each term of the district and circuit courts, within their respective districts, as soon as may be after the conclusion of each term, and to accompany such list

with a schedule and invoice of the various articles composing the cargoes of such prizes.

SECT. 4. That the respective courts of Art. 223. the United States, before whom a libel against any prizes captured as aforesaid shall be pending, or by whom a decree of condemnation and distribution of such prizes shall have been awarded, shall have full power and authority, in the exercise of their admiralty and maritime jurisdiction, to issue a monition, and other proper process, to compel the marshal and clerk to perform and obey the requisitions of this act; and upon the complaint of the United States, or any person interested in the premises, summarily to hear and examine the same, and to make such award, order, and decree, therein, as to justice and law shall appertain. And if the marshal or clerk shall wilfully refuse, or unreasonably neglect, to perform and obey any of the requisitions of this act, the party so refusing or neglecting shall further forfeit and pay to the United States the sum of five hundred dollars for every such refusal or neglect.

SECT. 5. That there shall be allowed to the Accountant of the Navy Department, for his extra services in collecting, stating, and settling, the accounts of prize money belonging to the navy pension fund, the annual sum of three hundred

The courts empowered to issue monitions to compel the marshals and clerks to obey the requisitions of this Act;

And may summarily hear and examine, and decree according to justice and law.

The marshal or clerk, neglecting or refusing to obey the requisitions of this Act, forfeits 500 dolls.

#### Art. 224.

The Accountant of the Navy Department allowed 300 dolls. per ann. for extra services in settling accounts

of prize money dollars, to be paid quarterly yearly, out of the Navy Pension Fund.

**Art. 225.** Marshals to account for sales of prizes prior to this Act within six months, or sooner if directed by the court, &c.

**SECT. 6.** That wherever sales of prizes captured as aforesaid, have been made before the passing of this act, and the proceeds thereof have not been paid into the registry of the proper court, or finally distributed under its order, it shall be the duty of the marshal who made the sale, within six calendar months from the passing of this act, or such shorter reasonable time as may be assigned by the court, or the judge or judges thereof, to pay into the registry of the court the proceeds of such sale, with a written account of the costs and charges attending the same, and to submit the same account for examination and allowance to the court, or the judge or judges thereof; and in like manner it shall be the duty of the respective clerks of the district courts, within six calendar months from the passing of this act, or such shorter reasonable time as may be assigned by the proper court, or the judge or judges thereof, to present to such court, or the judge or judges thereof, for examination and allowance, a particular account of their fees and charges, in all cases of prizes captured as aforesaid, where such account has not been already presented and allowed; and after such account shall be examined and allowed, it shall be filed among the records of the court, and a copy there-

After accounts have been allowed they are

of, duly attested, shall be transmitted by to be filed, and the clerk of the court to the Secretary copies sent to the Secretary of the Navy. If the marshal or clerk neglect or refuse, they may be proceeded against in the proper court, in the manner provided in the fourth section of this act.

SECT. 7. That in cases where the allowance of the half monthly pay, which may now be granted by law, to officers, seamen, and marines, disabled in the service of the United States, shall, in the opinion of the Commissioners of the Navy Pension Fund, from the nature and extent of the disability, and the situation of the party disabled, be inadequate to his necessary subsistence, the said Commissioners shall be, and hereby are, authorized, in their discretion, to increase such allowance, to any sum not exceeding the full amount of the monthly pay to which the party so disabled was by law entitled in the said service.

Art. 226.

In cases where the half monthly pay to officers, seamen, and marines, is not sufficient for their subsistence, it may be increased, but not to exceed full pay.

[Approved, 16 April, 1816.]

An ACT to amend and explain an "act giving Pensions to the Orphans and Widows of Persons slain in the public or private armed Vessels of the United States."

[Vol. 6, page 212.]

Be it enacted, &c. That if any officer, seaman, or marine, belonging to the Navy of the United States, shall die, or shall have died, since the eighteenth day of

Widows and Children under 16 years

of age, of officers, seamen, and marines, deceased, or dying, after the 18th June, 1812, while in the line of duty, entitled to half pay for five years.

If the widow dies or marries, the half pay goes to the children.

Proviso : as to the cessation of the half pay. Money to be paid out of the Navy Pension Fund.

*Provided*, That such half pay shall cease on the death of such child or children. And the money required for this purpose shall be paid out of the Navy Pension Fund, under the direction of the Commissioners of that Fund.

[Approved, 3 March, 1817.]

[This act repealed, by act of 22d January, 1824. See post. But rights under it are reserved.]

An ACT in addition to "An act giving Pensions to the Orphans and Widows of Persons slain in the public or private armed Vessels of the United States."

[Vol. 6, page 291.]

Art. 228. SECT. 1. *Be it enacted*, &c. That, in

every case where a person has been put on the pension list, or granted a certificate of pension, by virtue of the first section of an act, passed the fourth day of March, in the year eighteen hundred and fourteen, entitled "An act giving pensions to the orphans and widows of persons slain in the public or private armed vessels of the United States," the Secretary of the Navy be, and he is hereby, authorized, at the expiration of the term of five years, for which any pension certificate shall have been granted as aforesaid, to allow the full monthly pension to which the rank of the deceased would have entitled him for the highest rate of disability, and that such pension shall continue to such person for the further term of five years: *Provided*, That such pension shall cease on the death of such widow, child, or children.

Persons put on the pension list in virtue of the 1st section of the Act of 4th March, 1814, to be allowed full monthly pension for the further term of five years.

Proviso; pension to cease on death of the widow, &c.

[Approved, 16 April, 1818.]

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An ACT extending the Term of Half Pay Pensions to the Widows and Children of certain Officers, Seamen, and Marines, who died in the Public Service.

[Vol. 6, page 399.]

*Be it enacted, &c.* That, in all cases Art. 229. where provision has been made by law for five years' half pay to the widows and children of officers, seamen, and marines, who were killed in battle, or died of wounds received in battle, or who died

Five years' additional half pay to the widows and children of officers, seamen,

and marines, killed in battle, &c. or who died in service. in the naval service of the United States, during the late war, the said provision shall be continued for the additional term of five years, to commence at the end of the first term of five years, in each case, respectively, making the provision equal to ten years' half pay; which shall be paid in the manner, and out of the fund, heretofore designated by law; and the said pensions shall also cease for the reasons mentioned in the said law.

To be paid as designated by law, &c.

[Approved, 3 March, 1819.]

An ACT further extending the term of half pay Pensions to the widows and children of officers, seamen, and marines, who died in the public service.

[Acts of 1st session 18th Congress, page 9.]

**Art. 230.**  
The term of half pay pensions, to the widows, &c. of officers, &c. who died in the public service, extended.

SECT. 1. *Be it enacted, &c.* That in all cases where provision has been made by law for five years' half pay to the widows and children of officers, seamen, and marines, who were killed in battle, or who died in the naval service of the United States, during the late war; and, also, in all cases where provision has been made for extending the term for five years, in addition to the first term of five years, the said provision shall be further extended for an additional term of five years, to commence at the end of the second term of five years, in each case, respectively, making the provision equal to fifteen years' half pay; which shall be paid out of the fund heretofore provided

by law: and the said pensions shall cease, for the causes mentioned in the laws providing the same, respectively.

SECT. 2. That, from and after the passing of this act, the act, entitled "An act to amend and explain an act giving pensions to the orphans and widows of persons slain in the public or private armed vessels of the United States," passed March the third, one thousand eight hundred and seventeen, be, and the same is hereby, repealed: *Provided, however,* That nothing in this act contained shall be construed to prevent the payment of any pension already granted, until the full expiration of the period thereof; nor to affect or impair the rights of any person or persons which may have accrued during the existence of the act hereby repealed, as aforesaid.

[Approved, 22 January, 1824.]

## II. PRIVATEER PENSIONS.

AN ACT concerning letters of marque, prizes, and prize goods.

[Vol. 4, page 453.]

SECT. 17. That two per centum on the nett amount (after deducting all charges and expenditures) of the prize money arising from captured vessels and cargoes, and on the nett amount of the salvage of vessels and cargoes recaptured by the private armed vessels of the

Art. 231.  
Act of 3d March, 1817,  
repealed.

Proviso.

—

Two per cent. on the nett amount of prize money, &c. to be secured and paid over to the collector,

or to the consul, &c. United States, shall be secured and paid over to the collector, or other chief officer of the customs, at the port or place in the United States at which such captured or recaptured vessels may arrive; or to the consul, or other public agent of the United States, residing at the port or place, not within the United States, at which such captured or recaptured vessels may arrive. And the moneys arising therefrom, shall be held, and hereby is pledged by the government of the United States, as a fund for the support and maintenance of the widows and orphans of such persons as may be slain, and for the support and maintenance of such persons as may be wounded and disabled on board of the private armed vessels of the United States, in any engagement with the enemy, to be assigned and distributed in such manner as shall hereafter by law be provided.

The moneys arising from the 2 per cent. paid over, to be held as a fund for the support of widows & orphans of persons slain, and for the maintenance of persons who may be wounded, &c.

[Approved, 26 June, 1812.]

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An ACT regulating pensions to persons on board private armed ships.

[Vol. 4, page 498.]

**Art. 233.** **SECT. 1.** *Be it enacted, &c.* That the two per cent. of prize money, &c. to be paid to the Treasury, to constitute a fund, &c. per centum reserved in the hands of the collectors and consuls, by the act of June, 1812, entitled "An act concerning letters of marque, prizes, and prize goods," shall be paid to the Treasury, under the like

regulations provided for other public money, and shall constitute a fund for the purposes provided for by the seventeenth section of the beforementioned act.

SECT. 2. The Secretary of the Navy Art. 234. shall be authorized and required to place on the pension list, under the like regulations and restrictions as are used in relation to the navy of the United States, any officer, seaman, or marine, who, on board of any private armed ship or vessel, bearing a commission of letter of marque, shall have been wounded or otherwise disabled in any engagement with the enemy; allowing to the *captain* a sum not exceeding twenty dollars per month; to *lieutenants and sailing master*, a sum not exceeding twelve dollars each per month; to *marine officer, boatswain, gunner, carpenter, master's mate, and prizemasters*, a sum not exceeding ten dollars each per month; to *all other officers*, a sum not exceeding eight dollars each per month, for the highest rate of disability, and so in proportion; and to a *seaman or acting as a marine*, the sum of six dollars per month, for the highest rate of disability, and so in proportion; which several pensions shall be paid, by direction of the Secretary of the Navy, out of the fund above provided, and from no other. (See post.)

Certain persons to be placed on the pension list, and at what rates.

SECT. 3. The commanding officer of Art. 235. every vessel having a commission, or Commanding

officers to enter the names, &c. of wounded persons, in any journal. letters of marque and reprisal, shall enter in his journal the name and rank of any officer, and the name of any seaman, who, during his cruise, shall have been wounded or disabled as aforesaid, describing the manner and extent, as far as practicable, of such wound or disability.

## Art. 236.

Collectors to transmit a transcript of such journals to the Secretary of the Navy, &c.

SECT. 4. Every collector shall transmit quarterly to the Secretary of the Navy, a transcript of such journals as may have been reported to him, so far as it gives a list of the officers and crew, and the description of wounds and disabilities, the better to enable the Secretary to decide on claims for pensions.

[Approved, 13 February, 1813.]

An ACT to amend and explain the act regulating pensions to persons on board private armed ships.

[Vol. 4, page 631.]

## Art. 237.

Construction of a former act regulating pensions, &c.

Be it enacted, &c. That the act regulating pensions to persons on board private armed ships, shall be construed to authorize the Secretary of the Navy to place on the pension list, under the restrictions and regulations of the said act, any officer, seaman, or marine, belonging to any private armed ship or vessel of the United States, bearing a commission of letter of marque, who shall have been wounded or otherwise disabled in the line of their duty as officers, seamen, or marines, of such private armed ship or vessel. (See ante.)

[Approved, 2 August, 1813.]

An ACT giving pensions to the orphans and widows of persons slain in the public or private armed vessels of the United States.

[Vol. 4, page 652.]

*Be it enacted, &c.* That if any officer, seaman, or marine, serving on board of any private armed ship or vessel bearing a commission of letter of marque, shall die, or shall have died since the 18th day of June, in the year of our Lord 1812, by reason of a wound received in the line of his duty, leaving a widow, or, if no widow, a child or children under sixteen years of age, such widow, or, if no widow, such child or children, shall be placed on the pension list by the Secretary of the Navy, who shall allow to such widow, child, or children, half the monthly pension to which the rank of the deceased would have entitled him for the highest rate of disability, under "An act regulating pensions to persons on board private armed ships;" which allowance shall continue for the term of five years; but in case of the death or intermarriage of such widow before the expiration of the term of five years, the half pay for the remainder of the term shall go to the child or children of the deceased: *Provided*, That the half pay shall cease on the death of such child or children. And the several pensions hereby directed shall be paid, by direction of the Secretary of the Navy, out of the fund provided by the 17th section of

Regulations concerning widows and orphans of persons belonging to private armed vessels.

an act, entitled "An act concerning letters of marque, prizes, and prize goods;" and from no other.

[Approved, 4 March, 1814.]

**An ACT** in addition to "An act giving Pensions to the Orphans and Widows of persons slain in the public or private armed vessels of the United States."

[Vol. 6, page 291.]

**Art. 239.**

Widows and  
children of offi-  
cers, seamen,  
&c. who have  
died from ac-  
cidents in the  
service since  
18th June,  
1812, to be  
placed on the  
pension list.

**SECT. 2.** That if any officer, seaman, or marine, shall have died since the eighteenth day of June, in the year eighteen hundred and twelve, in consequence of an accident or casualty, which occurred while in the line of his duty on board a private armed vessel, leaving a widow, or, if no widow, a child or children under sixteen years of age, the Secretary of the Navy be, and he is hereby, au-  
thorized to place such widow, child, or children, on the pension list, and allow to such widow, child, or children, the same monthly pension as if the deceased had died by reason of wounds received in the line of his duty: *Provided*, That all moneys paid by virtue of this act shall be paid out of the privateer pension fund, and no other.

Proviso; the  
money to be  
paid out of the  
Privateer  
Fund.

[Approved, 16 April, 1818.]

An ACT extending the term of pensions, granted to persons disabled, and to the widows and orphans of those who have been slain, or who have died, in consequence of wounds or casualties, received while in the line of their duty, on board the private armed ships of the United States during the late war.

[Acts 1st session 18th Congress, page 28.]

*Be it enacted, &c.* That the pensions Art. 240. of all persons, who now are in the receipt thereof, under the provisions of the following laws of the United States, or <sup>Acts of 4th March, 1814, and 16th April, 1818, extended.</sup> either of them, to wit: an act passed March fourth, one thousand eight hundred and fourteen, entitled "An Act giving pensions to the orphans and widows of persons slain in the public or private armed vessels of the United States;" and an act passed April sixteenth, one thousand eight hundred and eighteen, entitled "An act in addition to an act giving pensions to the orphans and widows of persons slain in the public or private armed vessels of the United States;" so far as regards persons receiving pensions from the fund arising from captures and salvage, made by the private armed vessels of the United States, be, and the same are hereby, continued, under the restrictions and regulations in the said acts contained, for and during the additional term of five years, from and after the period of the expiration of the said pensions respectively: *Provided, however,* <sup>Proviso.</sup> That the said pensions shall alone be

Proviso.

paid from the proceeds of the privateer pension fund, so called, and without recourse to the United States for any deficiency, (should such occur,) which may hereafter arise thereon: *And provided, further,* That no pension shall be paid to any such widow after her intermarriage, nor to any orphan children of such officer, seamen, or marines, after they shall have attained the age of sixteen years.

[Approved, 9 April, 1824.]

**An ACT to revive and extend the term of certain pensions which have expired by limitation.**

[Acts 1st session 18th Congress, page 122.]

**Art. 241.** *Be it enacted, &c.* That the pensions heretofore granted, and paid out of the Privateer Pension Fund, to the widows and orphans of such officers, seamen, and marines, as were slain, or died in consequence of wounds or casualties received, while in the line of their duty, on board the private armed ships of the United States, and the terms for the payment of which had expired by limitation, before the ninth day of April, in the year of our Lord one thousand eight hundred and twenty-four, be, and the same are hereby, revived, and extended to such widows and orphans, with all the advantages, and in the same manner, as if their respective terms had not expired; subject to the provisions, restrictions, and limitations, of an act, passed the ninth

day of April, in the year of our Lord one thousand eight hundred and twenty-four, entitled "An act extending the term of pensions granted to persons disabled, and to the widows and orphans of those who have been slain, or who have died in consequence of wounds or casualties received, while in the line of their duty, on board the private armed ships of the United States, during the late war."

[Approved, 26 May, 1824.]

**NAVY HOSPITALS.**

An ACT in addition to "An act for the relief of sick and disabled seamen."

[Vol. 3, page 266.]

**SECT. 1. *Irrelevant.*****Art. 242.**

Secretary of the Navy to deduct 20 cents per month from the pay of the

SECT. 2. The Secretary of the Navy shall be, and he hereby is, authorized and directed to deduct, after the first day of September next, from the pay thereafter to become due, of the officers, seamen, and marines, of the navy of the United States, at the rate of twenty cents per month, for every such officer, seaman, and marine, and to pay the same quarter annually to the Secretary of the Treasury, to be applied to the same purposes as the money collected by virtue of the above-mentioned act is appropriated.\*

**Art. 243.**

Officers, seamen, and marines, of the navy entitled to the benefits of the act of 16th July, 1798.

SECT. 3. The officers, seamen, and marines, of the navy of the United States, shall be entitled to receive the same benefits and advantages, as, by the act above mentioned, are provided for the relief of the sick and disabled seamen of the merchant vessels of the United States.

[Approved, 2 March, 1799.]

An ACT establishing Navy Hospitals.

[Vol. 4, page 338.]

**Art. 244.**

SECT. 1. *Be it enacted, &c.* That the

\* "An act for the relief of sick and disabled seamen;" passed July 16, 1798. (Vol. 3, page 109.)

money hereafter collected by virtue of the act, entitled "An act in addition to 'An act for the relief of sick and disabled seamen,'" shall be paid to the Secretary of the Navy, the Secretary of the Treasury, and the Secretary of War, for the time being, who are hereby appointed a board of commissioners, by the name and style of Commissioners of Navy Hospitals, which, together with the sum of fifty thousand dollars hereby appropriated, out of the unexpended balance of the marine hospital fund, to be paid to the commissioners aforesaid, shall constitute a fund for navy hospitals.

SECT. 2. All fines imposed on navy officers, seamen, and marines, shall be paid to the commissioners of navy hospitals.

SECT. 3. The commissioners of navy hospitals are hereby authorized and required to procure, at a suitable place or places, proper sites for navy hospitals; and if the necessary buildings are not procured with the site, to cause such to be erected, having due regard to economy, and giving preference to such plans as, with most convenience and least cost, will admit of subsequent additions, as the funds will permit and circumstances require; and the commissioners are required, at one of the establishments, to provide a permanent asylum for disabled and decrepid navy officers, seamen, and marines.

**Art. 247.** **SECT. 4.** The Secretary of the Navy is authorized and required to prepare the necessary rules and regulations for the government of the institution, and report the same to the next session of Congress.

**Art. 248.** **SECT. 5.** When any navy officer, seaman, or marine, shall be admitted into a navy hospital, the institution shall be allowed one ration per day during his continuance therein, to be deducted from the account of the United States with such officer, seaman, or marine; and in like manner when any officer, seaman, or marine, entitled to a pension, shall be admitted into a navy hospital, such pension, during his continuance therein, shall be paid to the commissioners of the navy hospitals, and deducted from the account of such pensioner.

[Approved, 26 February, 1811.]

## CRIME OF PIRACY.

An ACT to protect the commerce of the United States and punish the crime of piracy.

[Vol. 6, page 412.]

Art. 249.

SECT. 1. *Be it enacted, &c.* That the President of the United States be, and hereby is, authorized and requested to employ so many of the public armed vessels, as, in his judgment, the service may require, with suitable instructions to the commanders thereof, in protecting the merchant vessels of the United States and their crews from piratical aggressions and depredations.

Art. 250.

SECT. 2. That the President of the United States be, and hereby is, authorized to instruct the commanders of the public armed vessels of the United States to subdue, seize, take, and send into any port of the United States, any armed vessel or boat, or any vessel or boat the crew whereof shall be armed, and which shall have attempted or committed any piratical aggression, search, restraint, depredation, or seizure, upon any vessel of the United States, or of the citizens thereof, or upon any other vessel; and also to retake any vessel of the United States, or its citizens, which may have been unlawfully captured upon the high seas.

**Art. 251.** **SECT. 3.** That the commander and crew of any merchant vessel of the United States, owned wholly, or in part, by a citizen thereof, may oppose and defend against any aggressions, search, restraint, depredation, or seizure, which shall be attempted upon such vessel, or upon any other vessel owned as aforesaid, by the commander or crew of any armed vessel whatsoever, not being a public armed vessel of some nation in amity with the United States; and may subdue and capture the same; and may also retake any vessel, owned as aforesaid, which may have been captured by the commander or crew of any such armed vessel, and send the same into any port of the United States, &c.

**Art. 252.** **SECT. 4.** That whenever any vessel or boat, from which any piratical aggression, search, restraint, depredation, or seizure, shall have been first attempted or made, shall be captured and brought into any port of the United States, the same shall and may be adjudged and condemned to their use and that of the captors, after due process and trial, in any court having admiralty jurisdiction, and which shall be holden for the district into which such captured vessel shall be brought; and the same court shall thereupon order a sale and distribution thereof accordingly, and at their discretion.

**Art. 253.** **SECT. 5.** That if any person or persons

whatsoever, shall, on the high seas, commit the crime of piracy, as defined by the law of nations, and such offender or offenders shall afterwards be brought into, or found in, the United States, every such offender or offenders shall, upon conviction thereof, before the circuit court of the United States for the district into which he or they may be brought, or in which he or they shall be found, be punished with death.

SECT. 6. That this act shall be in force until the end of the next session of Congress. [Continued. See post.]

[Approved, 3 March, 1819.]

Art. 254.

This act in force until the end of the next session of Congress.

An ACT to continue in force "An act to protect the Commerce of the United States and punish the crime of Piracy," and also to make further provision for punishing the crime of Piracy.

[Vol. 6, page 529.]

SECT. 1. Be it enacted, &c. That the first, second, third, and fourth, sections of an Act, entitled "An act to protect the commerce of the United States and punish the crime of piracy," passed on the third day of March, one thousand eight hundred and nineteen, be, and the same are hereby, continued in force, from the passing of this act, for the term of two years, and from thence to the end of the next session of Congress, and no longer.\*

SECT. 2. That the fifth section of the said act be, and the same is hereby, con-

Art. 255.

1st, 2d, 3d, and 4th sections of Act of 3d March, 1819, continued for 2 years, &c.

\* Made perpetual. See post.

Art. 256.

5th section of

the Act of 3d tinued in force, as to all crimes made March, 1819, punishable by the same, and heretofore continued, as to crimes here- committed, in all respects, as fully as if to crimes here- tofore commit- the duration of the said section had been ted. without limitation.

**Art. 257.** **SECT. 3.** That if any person shall,

upon the high seas, or in any open road-  
Persons com- stead, or in any haven, basin, or bay, or in  
mitting robbe- any river where the sea ebbs and flows,  
ry on any ship or vessel, or  
ship's compa- any ship or vessel, or upon any of the  
ny, &c. on the ship's company of any ship or vessel, or the  
high seas, in a lading thereof, such person shall be ad-  
roadstead, &c. to suffer death. judged to be a pirate; and, being thereof  
Conviction in convicted, before the circuit court of the  
Circuit Court United States for the district into which  
where brought he shall be brought or in which he shall  
or found. be found, shall suffer death. And if any

Persons en- gaged in any piratical en-  
terprise, &c. and com-  
mitting rob-  
bery on shore,  
declared pi-  
rates, and to  
suffer death.  
Conviction in  
Circuit Court  
where brought  
or found.

shall land from such ship or vessel, and, on shore, shall commit robbery, such person shall be adjudged a pirate; and on conviction thereof, before the circuit court of the United States for the district into which he shall be brought, or in which he shall be found, shall suffer death: *Provided*, That nothing in this

Proviso; States not to be deprived of jurisdiction, and offenders not to be tried

section contained shall be construed to deprive any particular state of its jurisdiction over such offences when committed within the body of a county, or au- thorize the courts of the United States

to try any such offenders, after conviction <sup>after acquit-</sup>  
or acquittance, for the same offence, in <sup>tal, &c.</sup>  
a state court.

SECT. 4. That if any citizen of the Art. 258.  
United States, being of the crew or ship's <sup>Persons land-</sup>  
company of any foreign ship or vessel <sup>ing on a fo-</sup>  
engaged in the slave trade, or any per- <sup>reign shore,</sup>  
son whatever, being of the crew or ship's <sup>and seizing</sup>  
company of any ship or vessel, owned in <sup>negroes or mu-</sup>  
the whole or part, or navigated for, or in <sup>lattoes, not</sup>  
behalf of, any citizen or citizens of the <sup>held to service,</sup>  
United States, shall land from any such <sup>&c. with intent</sup>  
ship or vessel, and, on any foreign shore, <sup>to make them</sup>  
seize any negro or mulatto, not held to <sup>slaves, or de-</sup>  
service or labour by the laws of either of the <sup>coying, forc-i-</sup>  
states or territories of the United States, &c. <sup>bly bringing or</sup>  
with intent to make such negro or mulat- <sup>carrying, &c.</sup>  
to a slave, or shall decoy, or forcibly <sup>them on board,</sup>  
bring or carry, or shall receive, such ne- <sup>declared</sup>  
gro or mulatto on board any such ship or <sup>pirates, and to</sup>  
vessel, with intent as aforesaid, such citi- <sup>suffer death.</sup>  
zen or person shall be adjudged a pirate ; <sup>Conviction in</sup>  
and, on conviction thereof, before the <sup>Circuit Court</sup>  
circuit court of the United States for the <sup>where brought</sup>  
district wherein he may be brought or <sup>or found.</sup>  
found, shall suffer death.

SECT. 5 That if any citizen of the Art. 259.  
United States, being of the crew or <sup>Persons forci-</sup>  
ship's company of any foreign ship or <sup>bly confining,</sup>  
vessel engaged in the slave trade, or <sup>detaining, or</sup>  
any person whatever, being of the crew <sup>aiding to con-</sup>  
or ship's company of any ship or vessel, <sup>fine or detain,</sup>  
owned wholly or in part, or navigated for, <sup>negroes, &c.</sup>  
or in behalf of, any citizen or citizens of <sup>on board ves-</sup>  
sels, &c. or of-

fering to sell the United States, shall forcibly confine on board, &c. or, on the high seas or tide water, transferring or delivering over to any other ship, or landing, &c. negroes, &c. with intent, &c. declared pirates, and to suffer death.

Conviction in Circuit Court where brought or found. —  
judged a pirate ; and, on conviction there-  
of, before the circuit court of the United  
States for the district wherein he shall be  
brought or found, shall suffer death.

[Approved, 15 May, 1820.]

An ACT in addition to "An act to continue in force 'An act to protect the commerce of the United States, and punish the crime of Piracy,' and, also, to make further provision for punishing the crime of piracy."

[Acts of the 2d session 17th Congress, page 5.]

Art. 260. Be it enacted, &c. That the first, se-  
The 1st, 2nd, 3rd, and 4th, sections of an act,

entitled "An act to protect the commerce <sup>3rd, and 4th</sup> of the United States, and punish the <sup>sections of Act of 3d March, 1819, made</sup> crime of piracy," passed on the third day of March, in the year of our Lord perpetual, one thousand eight hundred and nineteen, be, and the same are hereby, continued in force, in all respects, as fully as if the said sections had been enacted without limitation, in the said act, or in the act to which this is an addition, and which was passed on the fifteenth day of May, in the year of our Lord one thousand eight hundred and twenty.

[Approved, 30 January, 1823.]

## SLAVE TRADE.

An ACT in addition to the acts prohibiting the Slave Trade.

[Vol. 6, page 435.]

**Art. 261.** **SECT. 1.** *Be it enacted, &c.* That the President of the United States be, and he is hereby, authorized, whenever he shall deem it expedient, to cause any of the armed vessels of the United States to be employed to cruise on any of the coasts of the United States, or Territories thereof, or of the coast of Africa, or elsewhere, where he may judge attempts may be made to carry on the slave trade by citizens or residents of the United States, in contravention of the Acts of Congress prohibiting the same, and to

Vessels unlaw-  
fully engaged  
in the trans-  
portation of  
Negroes, &c.  
may be seized  
and brought  
into port, &c.

instruct and direct the commanders of all armed vessels of the United States, to seize, take, and bring into any port of the United States, all ships or vessels of the United States, wheresoever found, which may have taken on board, or which may be intended for the purpose of taking on board, or of transporting, or may have transported, any negro, mulatto, or person of colour, in violation of any of the provisions of the Act, entitled "An act in addition to an act to prohibit the importation of slaves into any port or place within the jurisdiction of the United States, from and after the first day of

January, in the year of our Lord one thousand eight hundred and eight, and to repeal certain parts of the same," or of any other act or acts prohibiting the traffic in slaves, to be proceeded against according to law: And the proceeds of all ships and vessels, their tackle, apparel, and furniture, and the goods and effects on board of them, which shall be so seized, prosecuted, and condemned, shall be divided equally between the United States and the officers and men who shall seize, take, or bring, the same into port for condemnation, whether such seizure be made by an armed vessel of the United States or revenue cutter thereof: And the same shall be distributed in like manner as is provided by law for the distribution of prizes taken from an enemy: *Provided*, That the officers and men, to be entitled to one-half of the proceeds aforesaid, shall safe keep every negro, mulatto, or person of colour, found on board of any ship or vessel so seized, taken, or brought into port, for condemnation, and shall deliver every such negro, mulatto, or person of colour, to the marshal of the district into which they are brought, if into a port of the United States, or, if elsewhere, to such person or persons as shall be lawfully appointed by the President of the United States, in the manner hereinafter directed, transmitting to the President of the United States a descriptive list to be trans-

The proceeds of offending vessels, &c. to be divided between the U.S. and the captors, whether armed vessels or revenue cutters.

To be distributed as prizes.

Proviso; officers and men to safe keep the Negroes, &c. and deliver them to the Marshal, &c.

mitted to the States, as soon as may be after such delivery, a descriptive list of such negroes, mulattoes, or persons of colour, that he may give directions for the disposal of them. *And provided further,* That the officers and crews of offending vessels to be taken into custody, and delivered to the civil authority, commanders of such commissioned vessels do cause to be apprehended, and taken into custody, every person found on board of such vessel, so seized and taken, being of the officers or crew thereof, and him or them convey, as soon as conveniently may be, to the civil authority of the United States, to be proceeded against, in due course of law, in some of the districts thereof.

**Art. 262.** **SECT. 2.** That the President of the United States be, and he is hereby, authorized to make regulations and arrangements as he may deem expedient, for the safe-keeping, support, and removal beyond the limits of the United States, of all such negroes, mulattoes, or persons of colour, as may be so delivered and brought within their jurisdiction; and to appoint a proper person or persons, residing upon the coast of Africa, as agent or agents, for receiving the negroes, mulattoes, or persons of colour, delivered from on board vessels, seized in the prosecution of the slave trade, by commanders of the United States' armed vessels.

**Art. 263.** **SECT. 3.** That a bounty of twenty-five dollars be paid to the officers and crews

of the commissioned vessels of the United States, or revenue cutters, for each and every negro, mulatto, or person of colour, who shall have been, as herein-before provided, delivered to the marshal or agent duly appointed to receive them: And the Secretary of the Treasury is hereby authorized and required to pay, or cause to be paid, to such officers and crews, or their agent, the said bounty, for each person delivered as aforesaid.

SECT. 4. That when any citizen or other person, shall lodge information, with the attorney for the district of any state or territory, as the case may be, that any negro, mulatto, or person of colour, has been imported therein, contrary to the provisions of the acts in such case made and provided, it shall be the duty of the said attorney forthwith to commence a prosecution, by information; and process shall issue against the person charged with holding such negro, negroes, mulatto, mulattoes, person or persons of colour, so alleged to be imported contrary to the provisions of the acts aforesaid: And if, upon the return of the process executed, it shall be ascertained, by the verdict of a jury, that such negro, negroes, mulatto, mulattoes, person or persons of colour, have been brought in, contrary to the true intent and meaning of the acts in such cases

dollars for every Negro, &c. delivered to the Marshal, &c. the Treasury to cause the bounty to be paid.

Secretary of the Treasury to cause the bounty to be paid.

Upon the verdict of a jury, the court to direct the marshal to take the negroes into custody, subject to the orders of the President.

made and provided, then the court shall direct the marshal of the said district to take the said negroes, mulattoes, or persons of colour, into his custody, for safe keeping, subject to the orders of the

**Informer entitled to a bounty of 50 dollars for every negro, &c. besides the portion of penalties accruing to him.**

President of the United States ; and the informer or informers, who shall have lodged the information, shall be entitled to receive, over and above the portion of the penalties accruing to him or them by the provisions of the acts in such case made and provided, a bounty of fifty dollars, for each and every negro, mulatto, or person of colour, who shall have been delivered into the custody of the marshal : and the Secretary of the Treasury

**The Secretary of the Treasury to cause the bounty to be paid, on the certificate of the Clerk.**

is hereby authorized and required to pay, or cause to be paid, the aforesaid bounty, upon the certificate of the clerk of the court for the district where the prosecution may have been had, with the seal of office thereto annexed, stating the number of negroes, mulattoes, or persons of colour, so delivered.

#### Art. 265.

**Vessels captured under the provisions of this Act to be brought into a port of the state or territory where they belong, &c.**

**SECT. 5.** That it shall be the duty of the commander of any armed vessel of the United States, whenever he shall make any capture under the provisions of this act, to bring the vessel and her cargo, for adjudication, into some of the ports of the state or territory to which such vessel, so captured, shall belong, if he can ascertain the same ; if not, then to be sent into any convenient port of the United States.

SECT. 6. That all such acts, or parts of Art. 266. acts, as may be repugnant to the provisions of this act, shall be, and the same are hereby, repealed.

Repugnant  
Acts and parts  
of Acts repeal-  
ed.

SECT. 7. That a sum not exceeding one hundred thousand dollars, be, and the same is hereby, appropriated to carry this law into effect.

Art. 267.

Not exceeding  
100,000 dolls.  
appropriated  
to carry this  
law into effect:

[Approved, 3 March, 1819.]

## RESOLUTIONS.

[Vol. 3, page 402.]

**Art. 268.** *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States be requested to present to captain Thomas Truxton, a golden medal, emblematical of the late action between the United States' frigate Constellation, of thirty-eight guns, and the French ship of war La Vengeance, of fifty-four; in testimony of the high sense entertained by Congress of his gallantry and good conduct in the above engagement, wherein an example was exhibited by the captain, officers, sailors, and marines, honourable to the American name, and instructive to its rising navy.

**Art. 269.** *And it is further resolved,* That the conduct of James Jarvis, a midshipman in said frigate, who gloriously preferred a midshipman, certain death to an abandonment of his post, is deserving of the highest praise, and that the loss of so promising an officer is a subject of national regret.

[Approved, 29 March, 1800.]

Resolutions expressing the sense of Congress on the gallant conduct of lieutenant Sterret, the officers, and crew, of the United States' schooner Enterprise.

[Vol. 3, page 520.]

**Art. 270.** *Resolved by the Senate and House of Re-*

*representatives of the United States of America in Congress assembled,* That they entertain a high sense of the gallant conduct of lieutenant Sterret, and the other officers, seamen, and marines, on board the schooner Enterprise, in the capture of a Tripolitan corsair of fourteen guns and eighty men

Gallant conduct of lieut. Sterret, &c..

*Resolved,* That the President of the United States be requested to present to lieutenant Sterret, a sword, commemorative of the aforesaid heroic action; and that one month's pay be allowed to all the other officers, seamen, and marines, who were on board the Enterprise when the aforesaid action took place.

Art. 271. A sword to lieut. Sterret. Extra pay to other officers and men.

[Approved, 3 February, 1802.]

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Resolution expressive of the sense of Congress of the gallant conduct of captain Stephen Decatur, the officers and crew, of the United States' ketch Intrepid, in attacking, in the harbour of Tripoli, and destroying a Tripolitan frigate of forty-four guns.

[Vol. 3, page 674.]

*Resolved, &c.* That the President of the United States be requested to present, in the name of Congress, to captain Stephen Decatur, a sword, and to each of the officers and crew of the United States' ketch Intrepid, two months' pay, as a testimony of the high sense entertained by Congress of the gallantry, good conduct, and services, of captain Decatur, the officers, and crew,

Art. 272. A sword to capt. Decatur, and two months' pay to other officers and men.

of the said ketch, in attacking, in the harbour of Tripoli, and destroying a Tripolitan frigate of forty-four guns.

[Approved, 27 November, 1804.

Resolutions expressive of the sense of Congress of the gallant conduct of commodore Edward Preble, the officers, seamen, and marines, of his squadron.

[Vol. 3, page 674.]

**Art. 273.** *Resolved, &c.* That the thanks of Congress be, and the same are hereby, presented to commodore Edward Preble, and through him to the officers, seamen, and marines, attached to the squadron under his command, for their gallantry and good conduct, displayed in the several attacks on the town, batteries, and naval force, of Tripoli, in the year 1804.

**Art. 274.** *Resolved,* That the President of the United States be requested to cause a gold medal to be struck, emblematical of the attacks on the town, batteries, and naval force, of Tripoli, by the squadron under commodore Preble's command, and to present it to commodore Preble, in such manner, as, in his opinion, will be most honourable to him: and that the President be further requested to cause a sword to be presented to each of the commissioned officers and midshipmen who have distinguished themselves in the several attacks.

**Art. 275.** *Resolved,* That one month's pay be allowed, exclusively of the common allow-

A sword to  
other officers.

Thanks to  
commodore  
Preble, officers  
and men.

A gold medal  
to commodore  
Preble.

A month's pay

ance, to all the petty officers, seamen, <sup>to petty officers and men.</sup> and marines, of the squadron, who so gloriously supported the honour of the American flag, under the orders of their gallant commander, in the several attacks.

*Resolved*, That the President of the Art. 276. United States be also requested to communicate to the parents, or other near relatives, of captain Richard Somers, lieutenants Henry Wadsworth, James Decatur, James R. Caldwell, Joseph Israel, and midshipman John Sword Dorsey, the deep regret which Congress feel for the loss of those gallant men, whose names ought to live in the recollection and affections of a grateful country, and whose conduct ought to be regarded as an example to future generations.

[Approved, 3 March, 1805.]

Resolutions relative to the brilliant achievements of captains Hull, Décatur, Jones, and lieutenant Elliott.

[Vol. 4, page 537.]

*Resolved*, &c. That the President of Art. 277. the United States be, and he is hereby, requested to present to captain Hull, of <sup>A gold medal to captains</sup> the frigate Constitution, captain Decatur, <sup>Hull, Decatur,</sup> and Jones. of the frigate United States, and captain Jones, of the sloop of war Wasp, each a gold medal, with suitable emblems and devices; and a silver medal, with like emblems and devices to each commissioned officer of the aforesaid vessels, in <sup>A silver medal to other officers.</sup>

testimony of the high sense entertained by Congress of the gallantry, good conduct, and services, of the captains, officers, and crews, of the aforesaid vessels, in their respective conflicts with the British frigates the Guerriere and the Macc-

**A silver medal to the nearest male relative of lieutenants Bush and Frank.**

donian, and sloop of war Frolic: and the President is also requested to present a silver medal, with like emblems and devices, to the nearest male relative of lieutenant Bush, and one to the nearest male relative of lieutenant Funk, in testimony of the gallantry and merit of those deceased officers, in whom their country has sustained a loss much to be regretted.

**Art. 278.** SECT. 2. *And be it further resolved,* That the President of the United States be, and he hereby is, requested to present to lieutenant Elliot, of the navy of the United States, an elegant sword, with suitable emblems and devices, in testimony of the just sense entertained by Congress of his gallantry and good conduct in boarding and capturing the British brigs Detroit and Caledonia, while anchored under the protection of fort Erie.

[Approved, 29 January, 1813.]

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Resolution requesting the President of the United States to present medals to captain William Bainbridge, and the officers of the frigate Constitution.

[Vol. 4, page 538.]

**Art. 279.** *Resolved, &c.* That the President of the United States be, and he is hereby,

requested to present to captain William Bainbridge, of the frigate Constitution, <sup>A gold medal to capt. Bainbridge.</sup> a gold medal, with suitable emblems and devices, and a silver medal, with suitable emblems and devices, to each commissioned officer, of the said frigate, in testimony of the high sense entertained by Congress of the gallantry, good conduct, and services, of captain Bainbridge, his officers, and crew, in the capture of the British frigate Java, after a brave and skilful combat.

[Approved, 3 March, 1813.]

Resolutions expressive of the sense of Congress of the gallant conduct of captain Oliver H. Perry, the officers, seamen, marines, and infantry acting as such, on board of his squadron.

[Vol. 4, page 712.]

*Resolved*, &c. That the thanks of Congress be, and the same are hereby, presented to captain Oliver Hazard Perry, and through him to the officers, petty officers, seamen, marines, and infantry serving as such, attached to the squadron under his command, for the decisive and glorious victory gained on lake Erie, on the tenth of September, in the year 1813, over a British squadron of superior force.

*Resolved*, That the President of the United States be requested to cause gold medals to be struck, emblematical of the action between the two squadrons, and to present them to captain Perry and cap-

A silver medal to other officers.

A sword to midshipmen, &c.

**Art. 281.**

A silver medal to the nearest male relative of lieut. Brooks; and a sword to the nearest male relatives of midshipmen Laub and Claxton.

tain Jesse D. Elliot, in such manner as will be most honourable to them; and that the President be further requested to present a silver medal, with suitable emblems and devices, to each of the commissioned officers, either of the navy or army, serving on board, and a sword to each of the midshipmen and sailingmasters who so nobly distinguished themselves on that memorable day.

*Resolved*, That the President of the United States be requested to present a silver medal, with like emblems and devices, to the nearest male relative of lieutenant John Brooks, of the marines, and a sword to the nearest male relatives of midshipmen Henry Laub and Thomas Claxton, jun. and to communicate to them the deep regret which Congress feel for the loss of those gallant men, whose names ought to live in the recollection and affection of a grateful country, and whose conduct ought to be regarded as an example to future generations.

**Art. 282.**

Three months extra pay to petty officers and men.

*Resolved*, That three months' pay be allowed, exclusively of the common allowance, to all the petty officers, seamen, marines, and infantry serving as such, who so gloriously supported the honour of the American flag, under the orders of their gallant commander, on that signal occasion.

[Approved, 6 January, 1814.

Resolution relative to the brilliant achievement of lieutenants Burrows and M'Call.

[Vol. 4, page 713.]

*Resolved, &c.* That the President of the United States be requested to present to the nearest male relative of lieutenant William Burrows, and to lieutenant Edward R. M'Call, of the brig Enterprise, a gold medal, with suitable emblems and devices; and a silver medal, with like emblems and devices, to each of the commissioned officers of the aforesaid vessel, in testimony of the high sense entertained by Congress of the gallantry and good conduct of the officers and crew in the conflict with the British sloop Boxer, on the fourth of September, in the year 1813. And the President is also requested to communicate to the nearest male relative of lieutenant Burrows, the deep regret which Congress feel for the loss of that valuable officer, who died in the arms of victory, nobly contending for his country's rights and fame.

[Approved, 6 January, 1814.]

Resolution relative to the brilliant achievement of captain James Lawrence, in the capture of the British vessel of war the Peacock.

[Vol. 4, page 713.]

*Resolved, &c.* That the President of the United States be requested to present to the nearest male relative of captain James Lawrence, a gold medal, and a silver medal to each of the commission-

Art. 283. A gold medal to the nearest male relatives of lieuts. Burrows and M'Call; and a silver medal to other officers.

Deep regret for the loss of lieut. Burrows.

and a

silver medal to ~~ed~~ officers who served under him in the other officers. ~~ed~~ sloop of war Hornet, in her conflict with the British vessel of war the Peacock, in testimony of the high sense entertained by Congress of the gallantry and good conduct of the officers and crew in the capture of that vessel; and the President is also requested to communicate to the nearest male relative of captain Lawrence the sense which Congress entertains of the loss which the naval service of the United States has since sustained in the death of that distinguished officer.

[Approved, 11 January, 1814.]

Sense entertained by Congress of the loss of capt. Lawrence.

Resolution directing a sword to be presented to the nearest male relation of midshipman John Clark.

[Vol. 4, page 713.]

Art. 285. A sword to the nearest male relative of midshipman Clark, and regret for his loss.

*Resolved, &c.* That the President of the United States be requested to present a sword to the nearest male relation of midshipman John Clark, who was slain gallantly combating the enemy in the glorious battle gained on lake Erie, under the command of captain Perry, and to communicate to him the deep regret which Congress feels for the loss of that brave officer.

[Approved, 19 February, 1814.]

Resolutions, expressive of the sense of Congress of the gallant conduct of captain Thomas Macdonough, the officers, seamen, marines, and infantry serving as marines, on board the United States' squadron on lake Champlain.

[Vol. 4, page 856.]

*Resolved, &c.* That the thanks of Congress be, and the same are hereby, presented to captain Thomas Macdonough, and, through him, to the officers, petty officers, seamen, marines, and infantry serving as marines, attached to the squadron under his command, for the decisive and splendid victory gained on lake Champlain, on the eleventh of September, in the year one thousand eight hundred and fourteen, over a British squadron of superior force.

*Resolved,* That the President of the United States be requested to cause gold medals to be struck, emblematical of the action between the two squadrons, and to present them to captain Macdonough and captain Robert Henly, and also to lieutenant Stephen Cassin, in such manner as may be most honourable to them; and that the President be further requested to present a silver medal, with suitable emblems and devices, to each of the commissioned officers of the navy and army serving on board, and a sword to each of the midshipmen and sailing masters, who so nobly distinguished themselves in that memorable conflict.

**Art. 288.** *Resolved*, That the President of the United States be requested to present a silver medal, with like emblems and devices, to the nearest male relative of lieutenant Peter Gamble, and of lieutenant John Stansbury, and to communicate to them the deep regret which Congress feel for the loss of those gallant men, whose names ought to live in the recollection and affection of a grateful country.

**Art. 289.** *Resolved*, That three months' pay be allowed, exclusively of the common allowance, to all the petty officers, seamen, to the petty officers, marines, and infantry serving as marines, ficers, seamen, who so gloriously supported the honour &c. of the American flag on that memorable day.

[Approved, 20 October, 1814.]

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Resolution, expressive of the sense of Congress relative to the victory of the Peacock over the Empereur.

Vol. 4, page 856.]

**Art. 290.** *Resolved, &c.* That the President of the United States be requested to present to captain Lewis Warrington, of the sloop of war Peacock, a gold medal, with suitable emblems and devices, and a silver medal, with like emblems and devices, to each of the commissioned officers, and a sword to each of the midshipmen, and to the sailing master, of the said vessel, in testimony of their good con- sel, in testimony of the high sense en-

tertained by Congress of the gallantry and good conduct of the officers and crew, in the action with the British brig Epervier, on the twenty-ninth day of April, in the year one thousand eight hundred and fourteen, in which action the decisive effect and great superiority of the American gunnery were so signally displayed.

[Approved, 21 October, 1814.]

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Resolution, expressive of the sense of Congress relative to the capture of the British sloop Reindeer, by the American sloop Wasp.

[Vol. 4, page 857.]

*Resolved*, &c. That the President of the United States be requested to present to captain Johnston Blakely, of the sloop Wasp, a gold medal, with suitable devices, and a silver medal, with like devices, to each of the commissioned officers, and also a sword to each of the midshipmen, and the sailing master, of the aforesaid vessel, in testimony of the high sense entertained by Congress of the gallantry and good conduct of the officers and crew, in the action with the British sloop of war Reindeer, on the twenty-eighth of June, in the year one thousand eight hundred and fourteen; in which action determined bravery and cool intrepidity, in nineteen minutes, obtained a decisive victory, by boarding.

[Approved, 3 November, 1814.]

Resolutions, expressive of the high sense entertained by Congress of the gallantry and good conduct of Commodore D. T. Patterson, and Major D. Carmick, and of the officers, seamen, and marines, under their command, in the defence of New Orleans.

[Vol. 4, page 860.]

**Art. 292.** *Resolved, &c.* That Congress entertain a high sense of the valour and good conduct of commodore D. T. Patterson, of the officers, petty officers, and seamen, attached to his command, for their prompt and efficient co-operation with general Jackson, in the late gallant and successful defence of the city of New Orleans, when assailed by a powerful British force.

**Art. 293.** *Resolved,* That Congress entertain a high sense of the valour and good conduct of major Daniel Carmick, of the officers, non-commissioned officers, and marines, under his command, in the defence of the said city, on the late memorable occasion.

[Approved, 22 February, 1815.]

Resolution requesting the President to present Medals to Captain Stewart and the officers of the Frigate Constitution.

[Vol. 6, page 162.]

**Art. 294.** *Resolved, &c.* That the President of the United States be, and he is hereby, requested to present a gold medal to Captain Stewart, of the frigate Constitution, a gold medal, with suitable emblems and devices, and a silver medal, with suitable

emblems and devices, to each commissioned officer of the said frigate, in testimony of the high sense entertained by Congress of the gallantry, good conduct, and services, of captain Stewart, his officers and crew, in the capture of the British vessels of war the Cyane and the Levant, after a brave and skilful combat.

[Approved, 22 February, 1816.]

Resolution requesting the President to present Medals to Captain James Biddle and the officers of the Sloop of War Hornet.

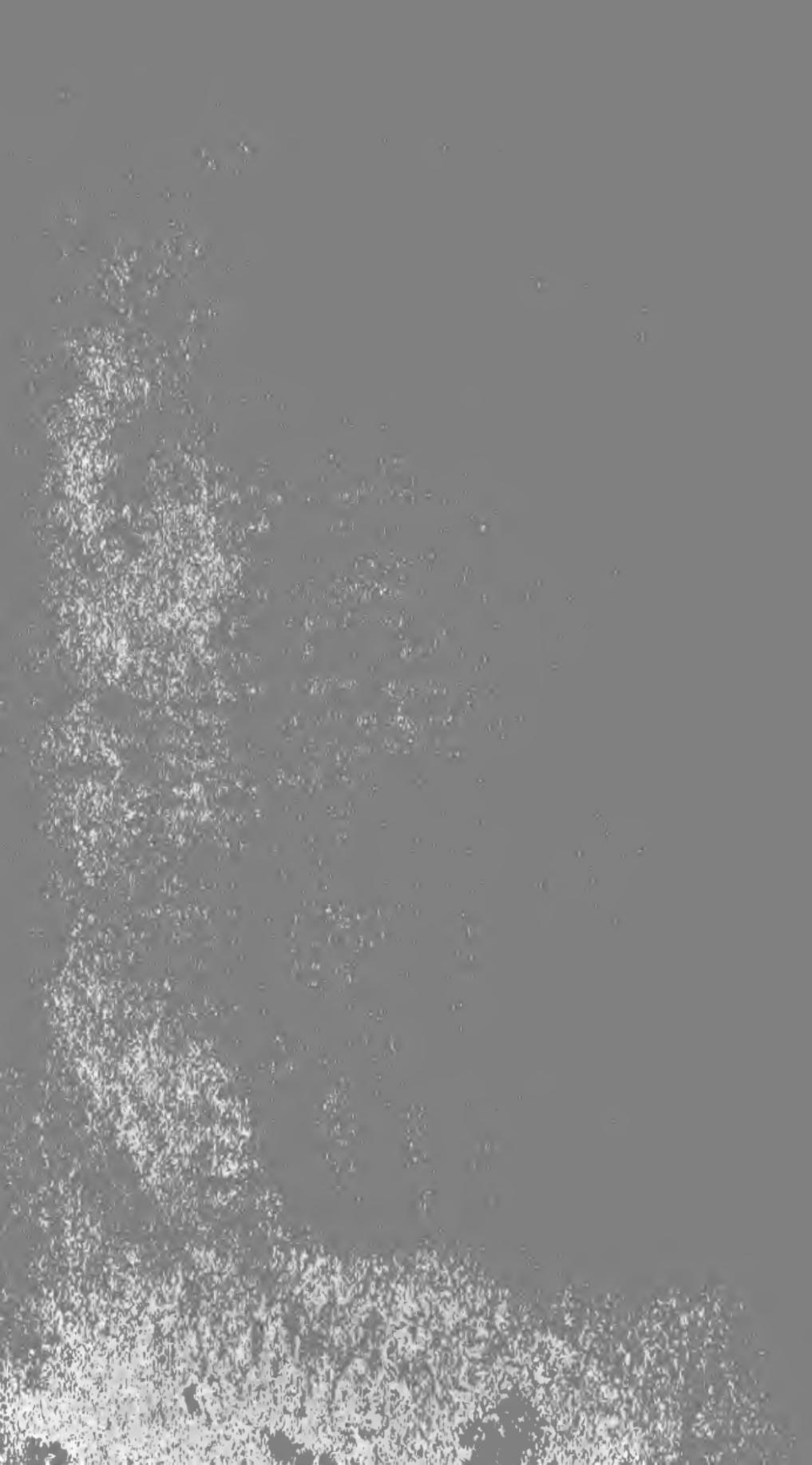
[Vol. 6, page 163]

*Resolved, &c.* That the President of Art. 295. the United States be, and he is hereby, requested to present to captain James Biddle, of the sloop of war Hornet, a gold medal, with suitable emblems and devices, and a silver medal, with suitable emblems and devices, to each commissioned officer of the said sloop of war, in testimony of the high sense entertained by Congress of the gallantry, good conduct, and services, of Captain Biddle, his officers and crew, in capturing the British sloop of war Penguin, after a brave and skilful combat.

[Approved, 22 February, 1816.]







# APPENDIX.

## SLAVE TRADE.

An ACT to prohibit the carrying on the Slave-Trade from the United States, to any foreign place or country.

[Vol. 2, page 388.]

[SECT. 1.] *Be it enacted, &c.* That no citizen or citizens of the United States, or foreigner, or any other person coming into, or residing within the same, shall, for himself or any other person whatsoever, either as master, factor, or owner, build, fit, equip, load, or otherwise to prepare any ship or vessel within any port or place of the said United States, nor shall cause any ship or vessel to sail from any port or place within the same, for the purpose of carrying on any trade or traffic in slaves, to any foreign country; or for the purpose of procuring, from any foreign kingdom, place, or country, the inhabitants of such kingdom, place or country, to be transported to any foreign country, port, or place, whatever, to be sold or disposed of as slaves: and if any ship or vessel shall be so fitted out, as aforesaid, for the said purposes, or shall be caused to sail, so as aforesaid, every such ship or vessel, her tackle, furniture, apparel, & other appurtenances, shall be forfeited to the United States; and shall be liable to be seized,

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prosecuted, and condemned, in any of the circuit courts or district court for the district, where the said ship or vessel may be found and seized.

**Art. 297.** **SECT. 2.** That all and every person, so building, fitting out, equipping, loading, or otherwise preparing, or sending away, any ship or vessel, knowing, or intending, that the same shall be employed in such trade or business, contrary to the true intent and meaning of this act, or any ways aiding or abetting therein, shall severally forfeit and pay the sum of two thousand dollars; one moiety thereof to the use of the United States, and the other moiety thereof to the use of him or her who shall sue for and prosecute the same.

**Art. 298.** **SECT. 3.** That the owner, master, or factor, of each and every foreign ship or vessel, clearing out for any of the coasts or kingdoms of Africa, or suspected to be intended for the slave-trade, and the suspicion being declared to the officer of the customs, by any citizen, on oath or affirmation, and such information being to the satisfaction of the said officer, shall first give bond with sufficient sureties, to the Treasurer of the United States, that none of the natives of Africa, or any other foreign country or place, shall be taken on board the said ship or vessel, to be transported or sold as slaves,

in any other foreign port or place whatever, within nine months thereafter.

SECT. 4. That if any citizen or citizens Art. 299. of the United States shall, contrary to the true intent and meaning of this act, take on board, receive or transport any such persons, as above described in this act, for the purpose of selling them as slaves, as aforesaid, he or they shall forfeit and pay, for each and every person so received on board, transported, or sold as aforesaid, the sum of two hundred dollars, to be recovered in any court of the United States proper to try the same; the one moiety thereof to the use of the United States, and the other moiety to the use of such person or persons who shall sue for and prosecute the same.

[Approved, 22 March, 1794.]

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An ACT in addition to the act, intituled "An Act to prohibit the carrying on the Slave-Trade from the United States to any foreign place or country."

[Vol. 3, p. 382.]

[SECT. 1.] *Be it enacted, &c.* That it Art. 300. shall be unlawful for any citizen of the United States, or other person residing within the United States, directly or indirectly to hold or have any right or property in any vessel employed or made use of in the transportation or carrying of slaves from one foreign country or place

to another, and any right or property, belonging as aforesaid, shall be forfeited, and may be libelled and condemned for the use of the person who shall sue for the same ; and such person, transgressing the prohibition aforesaid, shall also forfeit and pay a sum of money equal to double the value of the right or property in such vessel, which he held as aforesaid ; and shall also forfeit a sum of money equal to double the value of the interest which he may have had in the slaves, which at any time may have been transported or carried in such vessel, after the passing of this act, and against the form thereof.

**Art. 301.** SECT. 2. That it shall be unlawful for any citizen of the United States, or other person residing therein, to serve on board any vessel of the United States employed or made use of in the transportation or carrying of slaves from one foreign country or place to another ; and any such citizen or other person, voluntarily serving as aforesaid, shall be liable to be indicted therefor, and on conviction thereof, shall be liable to a fine not exceeding two thousand dollars, and be imprisoned not exceeding two years.

**Art. 302.** SECT. 3. That if any citizen of the United States shall voluntarily serve on board of any foreign ship or vessel, which shall hereafter be employed in the slave trade, he shall, on conviction thereof, be liable

to and suffer the like forfeitures, pains, disabilities and penalties as he would have incurred, had such ship or vessel been owned or employed, in whole or in part, by any person or persons residing within the United States.

SECT. 4. That it shall be lawful for any of the commissioned vessels of the United States, to seize and take any vessel employed in carrying on trade, business, or traffic, contrary to the true intent and meaning of this or the said act to which this is an addition ; and such vessel, together with her tackle, apparel and guns, and the goods or effects, other than slaves, which shall be found on board, shall be forfeited, and may be proceeded against in any of the district or circuit courts, and shall be condemned for the use of the officers and crew of the vessels making the seizure, and be divided in the proportion directed in the case of prize : And all persons interested in such vessel or in the enterprize or voyage in which such vessel shall be employed at the time of such capture, shall be precluded from all right or claim to the slaves found on board such vessel as aforesaid, and from all damages or retribution on account thereof : And it shall moreover be the duty of the commanders of such commissioned vessels, to apprehend and take into custody every person found on board of such vessel so seized

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and taken, being of the officers or crew thereof, and him or them convey as soon as conveniently may be, to the civil authority of the United States in some one of the districts thereof, to be proceeded against in due course of law.

**Art. 304.** **SECT. 5.** That the district and circuit courts of the United States shall have cognizance of all acts and offences against the prohibitions herein contained.

**Art. 305.** **SECT. 6.** *Provided, nevertheless,* That nothing in this act contained shall be construed to authorize the bringing into either of the United States, any person or persons, the importation of whom is, by the existing laws of such state, prohibited.

**Art. 306.** **SECT. 7.** That the forfeitures which shall hereafter be incurred under this, or the said act to which this is in addition, not otherwise disposed of, shall accrue and be one moiety thereof to the use of the informer, and the other moiety to the use of the United States, except where the prosecution shall be first instituted on behalf of the United States, in which case the whole shall be to their use.

[Approved, 10 May, 1800.]

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An ACT to prevent the importation of certain persons into certain states, where, by the laws thereof, their admission is prohibited.

[Vol. 2, p. 529.]

**Art. 307.** [SECT. 1.] Be it enacted, &c. That, from

and after the first day of April next, no master or captain of any ship or vessel, or any other person, shall import or bring, or cause to be imported or brought, any negro, mulatto, or other person of colour, not being a native, a citizen, or registered seaman of the United States, or seamen, natives of countries beyond the Cape of Good-Hope, into any port or place of the United States, which port or place shall be situated in any state which by law has prohibited or shall prohibit the admission or importation of such negro, mulatto, or other person of colour, and if any captain or master aforesaid, or any other person, shall import or bring, or cause to be imported or brought into any of the ports or places aforesaid, any of the persons whose admission or importation is prohibited, as aforesaid, he shall forfeit and pay the sum of one thousand dollars for each and every negro, mulatto, or other person of colour aforesaid brought or imported as aforesaid, to be sued for and recovered by action of debt, in any court of the United States; one half thereof to the use of the United States, the other half to any person or persons prosecuting for the penalty; and in any action instituted for the recovery of the penalty aforesaid, the person or persons sued may be held to special bail: *Provided always,* That nothing contained in this act

shall be construed to prohibit the admission of Indians.

**Art. 308.** SECT. 2. That no ship or vessel arriving in any of the said ports or places of the United States, and having on board any negro, mulatto, or other person of colour, not being a native, a citizen, or registered seaman of the United States, or seamen natives of countries beyond the Cape of Good-Hope as aforesaid, shall be admitted to an entry. And if any such negro, mulatto, or other person of colour, shall be landed from on board any ship or vessel, in any of the ports or places aforesaid, or on the coast of any state prohibiting the admission or importation, as aforesaid, the said ship or vessel, together with her tackle, apparel, and furniture, shall be forfeited to the United States, and one half of the nett proceeds of the sales on such forfeiture shall inure and be paid over to such person or persons on whose information the seizure on such forfeiture shall be made.

**Art. 309.** SECT. 3. That it shall be the duty of the collectors and other officers of the customs, and all other officers of the revenue of the United States, in the several ports or places situated as aforesaid, to notice and be governed by the provisions of the laws now existing, of the several states prohibiting the admission or importation of any negro, mulatto, or other person

of colour, as aforesaid. And they are hereby enjoined vigilantly to carry into effect the said laws of said states, conformably to the provisions of this act; any law of the United States to the contrary notwithstanding.

[Approved, 28 February, 1803.]

An ACT to prohibit the importation of Slaves into any port or place within the jurisdiction of the U. States, from and after the first day of Januar;, in the year of our Lord one thousand eight hundred and eight.

[Vol. 4, page 94.]

[SECT. 1.] *Be it enacted, &c.* That, from and after the first day of January, one thousand eight hundred and eight, it shall not be lawful to import or bring into the United States, or the territories thereof, from any foreign kingdom, place, or country, any negro, mulatto, or person of colour, with intent to hold, sell, or dispose of such negro, mulatto, or person of colour, as a slave, or to be held to service or labour.

SECT. 2. That no citizen or citizens of the United States, or any other person, shall, from and after the first day of January, in the year of our Lord one thousand eight hundred and eight, for himself, or themselves, or any other person whatsoever, either as master, factor, or owner, build, fit, equip, load, or otherwise pre-

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pare any ship or vessel, in any port or place within the jurisdiction of the United States, nor shall cause any ship or vessel to sail from any port or place within the same, for the purpose of procuring any negro, mulatto, or person of colour, from any foreign kingdom, place, or country, to be transported to any port or place whatsoever, within the jurisdiction of the United States, to be held, sold, or disposed of as slaves, or to be held to service or labour: and if any ship or vessel shall be so fitted out for the purpose aforesaid, or shall be caused to sail so as aforesaid, every such ship or vessel, her tackle, apparel, and furniture, shall be forfeited to the United States, and shall be liable to be seized, prosecuted, and condemned in any of the circuit courts or district courts, for the district where the said ship or vessel may be found or seized.

**Art. 312.** **SECT. 3.** That all and every person so building, fitting out, equipping, loading, or otherwise preparing, or sending away, any ship or vessel, knowing or intending that the same shall be employed in such trade or business, from and after the first day of January, one thousand eight hundred and eight, contrary to the true intent and meaning of this act, or any ways aiding or abetting therein, shall severally forfeit and pay twenty thousand dollars; one moiety thereof to the use of the Uni-

ted States, and the other moiety to the use of any person or persons who shall sue for and prosecute the same to effect.

SECT. 4. If any citizen or citizens of Art. 313. the United States, or any person resident within the jurisdiction of the same, shall, from and after the first day of January, one thousand eight hundred and eight, take on board, receive, or transport, from any of the coasts or kingdoms of Africa, or from any other foreign kingdom, place, or country, any negro, mulatto, or person of colour, in any ship or vessel, for the purpose of selling them in any port or place within the jurisdiction of the United States as slaves, or to be held to service or labour, or shall be in any ways aiding or abetting therein, such citizen or citizens, or person, shall severally forfeit and pay five thousand dollars ; one moiety thereof to the use of any person or persons who shall sue for and prosecute the same to effect. And every such ship or vessel in which such negro, mulatto, or person of colour, shall have been taken on board, received, or transported, as aforesaid, her tackle, apparel, and furniture, and the goods and effects which shall be found on board the same, shall be forfeited to the U. States, and shall be liable to be seized, prosecuted, and condemned, in any of the circuit courts or district courts in the district where the said ship or vessel may

be found or seized. And neither the importer, nor any person or persons claiming from or under him, shall hold any right or title whatsoever to any negro, mulatto, or person of colour, nor to the service or labour thereof, who may be imported or brought within the United States, or territories thereof, in violation of this law, but the same shall remain subject to any regulations not contravening the provisions of this act, which the legislatures of the several states or territories at any time hereafter may make, for disposing of any such negro, mulatto, or person of colour.

**Art. 314.** **SECT. 5.** That if any citizen or citizens of the United States, or any other person resident within the jurisdiction of the same, shall, from and after the first day of January, one thousand eight hundred and eight, contrary to the true intent and meaning of this act, take on board any ship or vessel from any of the coasts or kingdoms of Africa, or from any other foreign kingdom, place, or country, any negro, mulatto, or person of colour, with intent to sell him, her, or them, for a slave, or slaves, or to be held to service or labour, and shall transport the same to any port or place within the jurisdiction of the United States, and there sell such negro, mulatto, or person of colour, so transported as aforesaid, for a slave, or to

be held to service or labour, every such offender shall be deemed guilty of a high misdemeanor, and being thereof convicted before any court having competent jurisdiction, shall suffer imprisonment for not more than ten years, nor less than five years, and be fined not exceeding ten thousand dollars, nor less than one thousand dollars.

SECT. 6. That if any person or persons Art. 315. whatsoever shall, from and after the first day of January, one thousand eight hundred and eight, purchase or sell any negro, mulatto, or person of colour, for a slave, or to be held to service or labour, who shall have been imported, or brought from any foreign kingdom, place, or country, or from the dominions of any foreign state immediately adjoining to the United States, into any port or place within the jurisdiction of the United States, after the last day of December, one thousand eight hundred and seven, knowing at the time of such purchase or sale, such negro, mulatto, or person of colour, was so brought within the jurisdiction of the United States, as aforesaid, such purchaser and seller shall severally forfeit and pay for every negro, mulatto, or person of colour, so purchased or sold as aforesaid, eight hundred dollars ; one moiety thereof to the United States, and the other moiety to the use of any person

or persons who shall sue for and prosecute the same to effect: *Provided*, That the aforesaid forfeiture shall not extend to the seller or purchaser of any negro, mulatto, or person of colour, who may be sold or disposed of in virtue of any regulation which may hereafter be made by any of the legislatures of the several states in that respect; in pursuance of this act, and the constitution of the United States.

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SECT. 7. That if any ship or vessel shall be found, from after the first day of January one thousand eight hundred and eight, in any river, port, bay, or harbour, or on the high seas, within the jurisdictional limits of the United States, or hovering on the coast thereof, having on board any negro, mulatto, or person of colour, for the purpose of selling them as slaves, or with intent to land the same, in any port or place within the jurisdiction of the United States, contrary to the prohibition of this act, every such ship or vessel, together with her tackle, apparel, and furniture, and the goods or effects which shall be found on board the same, shall be forfeited to the use of the United States, and may be seized, prosecuted and condemned, in any court of the United States, having jurisdiction thereof. And it shall be lawful for the President of the United States, and he is hereby authorized, should he deem it expedient, to cause any of the

armed vessels of the United States to be manned and employed to cruise on any part of the coast of the United States or territories thereof, where he may judge attempts will be made to violate the provisions of this act, and to instruct and direct the commanders of armed vessels of the United States, to seize, take, and bring into any port of the United States, all such ships or vessels, and moreover to seize, take, and bring into any port of the United States, all ships or vessels of the United States, wheresoever found on the high seas, contravening the provisions of this act, to be proceeded against according to law; and the captain, master, or commander of every such ship or vessel, so found and seized as aforesaid, shall be deemed guilty of a high misdemeanor, and shall be liable to be prosecuted before any court of the United States, having jurisdiction thereof; and being thereof convicted, shall be fined not exceeding ten thousand dollars, and be imprisoned not less than two years, and not exceeding four years. And the proceeds of all ships and vessels, their tackle, apparel, and furniture, and the goods and effects on board of them, which shall be so seized, prosecuted, and condemned, shall be divided equally between the United States and the officers and men who shall make such seizure, take, or bring the same into

port for condemnation, whether such seizure be made by an armed vessel of the United States, or revenue cutters thereof, and the same shall be distributed in like manner as is provided by law for the distribution of prizes taken from an enemy: *Provided*, That the officers and men, to be entitled to one half of the proceeds aforesaid, shall safe keep every negro, mulatto, or person of colour, found on board of any ship or vessel so by them seized, taken, or brought into port for condemnation, and shall deliver every such negro, mulatto, or person of colour, to such person or persons as shall be appointed by the respective states to receive the same; and if no such person or persons shall be appointed by the respective states, they shall deliver every such negro, mulatto, or person of colour, to the overseers of the poor of the port or place where such ship or vessel may be brought and found, and shall immediately transmit to the governor, or chief magistrate of the state, an account of their proceedings, together with the number of such negroes, mulattoes, or persons of colour, and a descriptive list of the same, that he may give directions respecting such negroes, mulattoes, or persons of colour.

Art. 317. SECT. 8. That no captain, master, or commander of any ship or vessel, of

less burthen than forty tons, shall, from and after the first day of January, one thousand eight hundred and eight, take on board and transport any negro, mulatto, or person of colour, to any port or place whatsoever, for the purpose of selling or disposing of the same as a slave, or with intent that the same may be sold or disposed of to be held to service or labour, on penalty of forfeiting for every such negro, mulatto, or person of colour, so taken on board and transported as aforesaid, the sum of eight hundred dollars; one moiety thereof to the use of the United States, and the other moiety to any person, or persons, who shall sue for and prosecute the same to effect: *Provided, however,* That nothing in this section shall extend to prohibit the taking on board or transporting on any river, or inland bay of the sea, within the jurisdiction of the United States, any negro, mulatto, or person of colour, (not imported contrary to the provisions of this act,) in any vessel or species of craft whatever.

SECT. 9. That the captain, master, or commander of any ship or vessel of the burthen of forty tons or more, from and after the first day of January, one thousand eight hundred and eight, sailing coastwise from any port in the United States, to any port or place within the jurisdiction of the same, having on board

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any negro, mulatto, or person of colour, for the purpose of transporting them to be sold or disposed of as slaves, or to be held to service or labour, shall, previous to the departure of such ship or vessel, make out and subscribe duplicate manifests of every such negro, mulatto, or person of colour, on board such ship or vessel, therein specifying the name and sex of each person, their age and stature, as near as may be, and the class to which they respectively belong, whether negro, mulatto, or person of colour, with the name and place of residence of every owner, or shipper of the same, and shall deliver such manifests to the collector of the port, if there be one, otherwise to the surveyor, before whom the captain, master, or commander, together with the owner, or shipper, shall severally swear or affirm, to the best of their knowledge and belief, that the persons therein specified were not imported or brought into the United States from and after the first day of January, one thousand eight hundred and eight, and that, under the laws of the state, they are held to service or labour; whereupon the said collector, or surveyor, shall certify the same on the said manifests, one of which he shall return to the said captain, master, or commander, with a permit, specifying thereon the number, names, and general de-

scription of such persons, and authorizing him to proceed to the port of his destination.—And if any ship or vessel, being laden and destined as aforesaid, shall depart from the port where she may then be, without the captain, master, or commander having first made out and subscribed duplicate manifests, of every negro, mulatto, and person of colour, on board such ship or vessel, as aforesaid, and without having previously delivered the same to the said collector or surveyor, and obtained a permit, in manner as herein required, or shall, previous to her arrival at the port of destination, take on board any negro, mulatto, or person of colour, other than those specified in the manifests, as aforesaid, every such ship or vessel, together with her tackle, apparel, and furniture, shall be forfeited to the use of the United States, and may be seized, prosecuted, and condemned, in any court of the United States having jurisdiction thereof; and the captain, master, or commander, of every such ship or vessel, shall moreover forfeit, for every such negro, mulatto, or person of colour, so transported, or taken on board, contrary to the provisions of this act, the sum of one thousand dollars; one moiety thereof to the United States, and the other moiety to the use of any person or persons who

shall sue for and prosecute the same to effect.

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SECT. 10. That the captain, master, or commander, of every ship or vessel, of the burthen of forty tons or more, from and after the first day of January, one thousand eight hundred and eight, sailing coastwise, and having on board any negro, mulatto, or person of colour, to sell or dispose of as slaves, or to be held to service or labour, and arriving in any port within the jurisdiction of the United States, from any other port within the same, shall, previous to the unlading or putting on shore any of the persons aforesaid, or suffering them to go on shore, deliver to the collector, if there be one; or, if not, to the surveyer residing at the port of her arrival, the manifest certified by the collector or surveyor of the port from whence she sailed, as is herein before directed; to the truth of which, before such officer, he shall swear or affirm; and if the collector or surveyor shall be satisfied therewith, he shall thereupon grant a permit for unlading, or suffering such negro, mulatto, or person of colour to be put on shore; and if the captain, master or commander, of any such ship or vessel, being laden as aforesaid, shall neglect or refuse to deliver the manifest at the time and in the manner herein directed, or shall land or put on shore any negro, mulatto, or person of

colour, for the purpose aforesaid, before he shall have delivered his manifest, as aforesaid, and obtained a permit for that purpose, every such captain, master, or commander, shall forfeit and pay ten thousand dollars ; one moiety thereof to the United States, the other moiety to the use of any person or persons who shall sue for and prosecute the same to effect.

[Approved, 2 March, 1807.]

An ACT in addition to "An act to prohibit the Introduction [importation] of slaves into any port or place within the jurisdiction of the United States, from and after the first day of January, in the year of our Lord, one thousand eight hundred and eight," and to repeal certain parts of the same.

[Laws U. S. vol. 6, p. 325.]

[SECT. 1.] *Be it enacted, &c.* That, from and after the passing of this act, it shall not be lawful to import or bring, in any manner whatsoever, into the United States, or territories thereof, from any foreign kingdom, place, or country, any negro, mulatto, or person of colour, with intent to hold, sell, or dispose of, any such negro, mulatto, or person of colour, as a slave, or to be held to service or labour ; and any ship, vessel, or other water craft, employed in any importation as aforesaid, shall be liable to seizure, prosecution, and forfeiture, in any district in which it may be found ; one half thereof to the use of the United States, and the other half to the use of him or them who shall prosecute the same to effect.

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## Art. 321.

SECT. 2. That no citizen or citizens of the United States, or any other person or persons, shall, after the passing of this act, as aforesaid, for himself, themselves, or any other person or persons whatsoever, either as master, factor, or owner, build, fit, equip, load, or otherwise prepare, any ship or vessel, in any port or place within the jurisdiction of the United States, nor cause any such ship or vessel to sail from any port or place whatsoever, within the jurisdiction of the same, for the purpose of procuring any negro, mulatto, or person of colour, from any foreign kingdom, place, or country, to be transported to any port or place whatsoever, to be held, sold, or otherwise disposed of as slaves, or to be held to service or labour; and if any ship or vessel shall be so built, fitted out, equipped, laden, or otherwise prepared for the purpose aforesaid, every such ship or vessel, her tackle, apparel, furniture, and lading, shall be forfeited, one moiety to the use of the United States, and the other to the use of the person or persons who shall sue for said forfeiture, and prosecute the same to effect; and such ship or vessel shall be liable to be seized, prosecuted and condemned, in any Court of the United States, having competent jurisdiction.

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SECT. 3. That every person or persons so building, fitting out, equipping, loading, or otherwise preparing, or sending away, or causing any of the acts aforesaid to be done, with intent to employ such ship or vessel in such trade or business, after the passing of this act, contrary to the true intent and

meaning thereof, or who shall, in any wise, be aiding or abetting therein, shall, severally, on conviction thereof, by due course of law, forfeit and pay a sum not exceeding five thousand dollars, nor less than one thousand dollars, one moiety to the use of the United States, and the other to the use of the person or persons, who shall sue for such forfeiture, and prosecute the same with effect, and shall moreover be imprisoned for a term not exceeding seven years, nor less than three years.

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SECT. 4. That if any citizen or citizens of the United States, or other person or persons resident within the jurisdiction of the same, shall, from and after the passing of this act, take on board, receive, or transport, from any of the coasts or kingdoms of Africa, or from any other foreign kingdom, place or country, or from sea, any negro, mulatto, or person of colour, not being an inhabitant, nor held to service by the laws of either of the states or territories of the United States, in any ship, vessel, boat, or other water craft, for the purpose of holding, selling, or otherwise disposing of, such person as a slave, or to be held to service or labour, or be aiding or abetting therein, every such person or persons, so offending, shall, on conviction, by due course of law, severally forfeit and pay a sum not exceeding five thousand, nor less than one thousand, dollars, one moiety to the use of the United States, and the other to the use of the person or persons who shall sue for such forfeiture and prosecute the same to effect; and, moreover, shall

suffer imprisonment, for a term not exceeding seven years nor less than three years ; and every ship or vessel, boat, or other water craft, on which such negro, mulatto, or person of colour, shall have been taken on board, received or transported, as aforesaid, her tackle, apparel, and furniture, and the goods and effects which shall be found on board the same, or shall have been imported therein in the same voyage, shall be forfeited, one moiety to the use of the United States, and the other to the use of the person or persons who shall sue for and prosecute the same to effect ; and every such ship or vessel shall be liable to be seized, prosecuted, and condemned, in any court of the United States having competent jurisdiction.

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SECT. 5. That neither the importer or importers, nor any person or persons claiming from or under him or them, shall hold any right, interest, or title whatsoever, in or to any negro, mulatto, or person of colour, nor to the service or labour thereof, who may be imported or brought into the United States or the territories thereof in violation of the provisions of this act, but the same shall remain subject to any regulations, not contravening said provisions, which the legislatures of the several states or territories, may at any time heretofore have made, or hereafter may make, for disposing of any such negro, mulatto, or person of colour.

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SECT. 6. That if any person or persons whatsoever shall, from and after the passing of this act, bring within the jurisdiction of

the United States, in any manner whatsoever, any negro, mulatto, or person of colour, from any foreign kingdom, place, or country, or from sea, or shall hold, sell, or otherwise dispose of, any such negro, mulatto, or person of colour, so brought in as a slave, or to be held to service or labour, or be in any wise aiding or abetting therein, every person so offending shall, on conviction thereof by due course of law, forfeit and pay, for every such offence, a sum not exceeding ten thousand nor less than one thousand dollars, one moiety to the use of the United States, and the other to the use of the person or persons who shall sue for such forfeiture, and prosecute the same to effect; and, moreover, shall suffer imprisonment, for a term not exceeding seven years, nor less than three years.

SECT. 7. That, if any person or persons whatsoever shall hold, purchase, sell, or otherwise dispose of, any negro, mulatto, or person of colour, for a slave, or to be held to service or labour, who shall have been imported or brought, in any way, from any foreign kingdom, place, or country, or from the dominions of any foreign state immediately adjoining to the United States, into any port or place within the jurisdiction of the United States, from and after the passing of this act, every person so offending, and every person aiding or abetting therein, shall severally forfeit and pay, for every negro, mulatto, or person of colour, so held, purchased, sold, or disposed of, one thousand dollars, one moiety to the use of the United

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States, and the other to the use of the person or persons who may sue for such forfeiture, and prosecute the same to effect, and to stand committed until the said forfeiture be paid: *Provided*, That the aforesaid forfeiture shall not extend to the seller or purchaser of any negro, mulatto, or person of colour, who may be sold or disposed of in virtue of any regulations which have been heretofore, or shall hereafter be, lawfully made by any legislature of any state or territory in pursuance of this act and the constitution of the United States.

**Art. 327.** SECT. 8. That, in all prosecutions under this act, the defendant or defendants shall be holden to prove that the negro, mulatto, or person of colour, which he or they shall be charged with having brought into the United States, or with purchasing, holding, selling, or otherwise disposing of, and which, according to the evidence in such case, the said defendant or defendants shall have brought in aforesaid, or otherwise disposed of, was brought into the United States at least five years previous to the commencement of such prosecution, or was not brought in, holden, purchased, or otherwise disposed of, contrary to the provisions of this act; and in failure thereof, the said defendant or defendants shall be judged guilty of the offence of which he or they may stand accused.

**Art. 328.** SECT. 9. That any prosecution, information, or action, may be sustained, for any offence under this act, at any time within five years after such offence shall have been com-

mitted, any law to the contrary notwithstanding.

SECT. 10. That the first six sections of the act to which this is an addition, shall be and the same are hereby repealed: *Provided*, That all offences committed under the said sections of the act aforesaid, before the passing of this act, shall be prosecuted and punished, and any forfeiture which have been incurred under the same shall be recovered and distributed, as if this act had not been passed.

Art. 329.

[*Approved, 20 April, 1818.*]

AN ACT to continue in force "An act to protect the Commerce of the United States and punish the Crime of Piracy," and also to make further provision for punishing the Crime of Piracy.

[Laws U. S. vol. 6, p. 529.]

[SECT. 1.] *Be it enacted, &c.* That the first, second, third, and fourth, sections of an act, entitled "An act to protect the commerce of the United States and punish the crime of piracy," passed on the third day of March, one thousand eight hundred and nineteen, be, and the same are hereby, continued in force, from the passing of this act for the term of two years, and from thence to the end of the next session of Congress, and no longer.

Art. 330.

SECT. 2. That the fifth section of the said act be, and the same is hereby, continued in force, as to all crimes made punishable by the same, and heretofore committed, in all respects as fully as if the duration of the said section had been without limitation.

Art. 331.

SECT. 3. That if any person shall, upon the high seas, or in any open roadstead, or

Art. 332.

in any haven, basin, or bay, or in any river where the sea ebbs and flows, commit the crime of robbery, in or upon any ship or vessel, or upon any of the ship's company, of any ship or vessel, or the lading thereof, such person shall be adjudged to be a pirate ; and, being thereof convicted, before the Circuit Court of the United States for the district into which he shall be brought or in which he shall be found, shall suffer death. And if any person engaged in any piratical cruize or enterprise, or being of the crew or ship's company of any piratical ship or vessel, shall land from such ship or vessel, and on shore, shall commit robbery, such person shall be adjudged a pirate ; and, on conviction thereof, before the Circuit Court of the United States for the district into which he shall be brought, or in which he shall be found, shall suffer death : *Provided*, That nothing in this section contained shall be construed to deprive any particular State of its jurisdiction over such offences, when committed within the body of a county, or authorize the courts of the United States to try any such offenders, after conviction or acquittance, for the same offence in a state court.

**Art. 333.**

SECT. 4. That if any citizen of the United States, being of the crew or ship's company of any foreign ship or vessel engaged in the slave trade, or any person whatever, being of the crew or ship's company of any ship or vessel, owned in the whole or part, or navigated for, or in behalf of, any citizen or citizens of the United States, shall land, from

any such ship or vessel, and, on any foreign shore, seize any negro or mulatto, not held to service or labour by the laws of either of the states or territories of the United States, with intent to make such negro or mulatto a slave, or shall decoy, or forcibly bring or carry, or shall receive, such negro or mulatto on board any such ship or vessel, with intent as aforesaid, such citizen or person shall be adjudged a pirate ; and, on conviction thereof, before the Circuit Court of the United States for the district wherein he may be brought or found, shall suffer death.

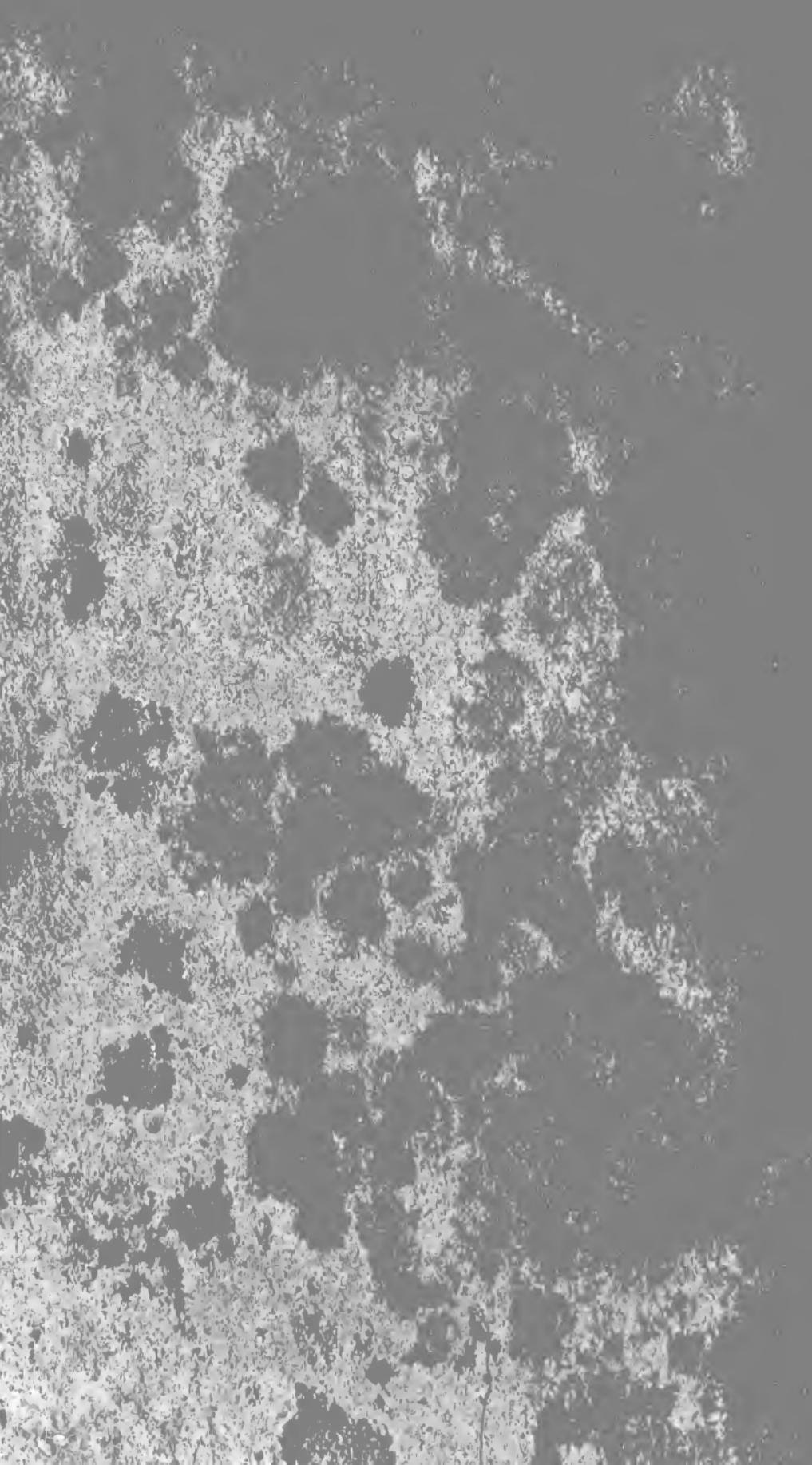
SECT. 5. That if any citizen of the United States, being of the crew or ship's company of any foreign ship or vessel engaged in the slave trade, or any person whatever, being of the crew or ship's company of any ship or vessel, owned wholly or in part, or navigated for, or in behalf of, any citizen or citizens of the United States, shall forcibly confine or detain, or aid and abet in forcibly confining or detaining, on board such ship or vessel, any negro or mulatto not held to service by the laws of either of the states or territories of the United States, with intent to make such negro or mulatto a slave, or shall, on board any such ship or vessel, offer or attempt to sell, as a slave, any negro or mulatto not held to service as aforesaid, or shall, on the high seas, or any where on tide water, transfer or deliver over, to any other ship or vessel, any negro or mulatto, not held to service as aforesaid, with intent to make such negro or mulatto a slave, or shall land, or deliver on shore, from on board any such

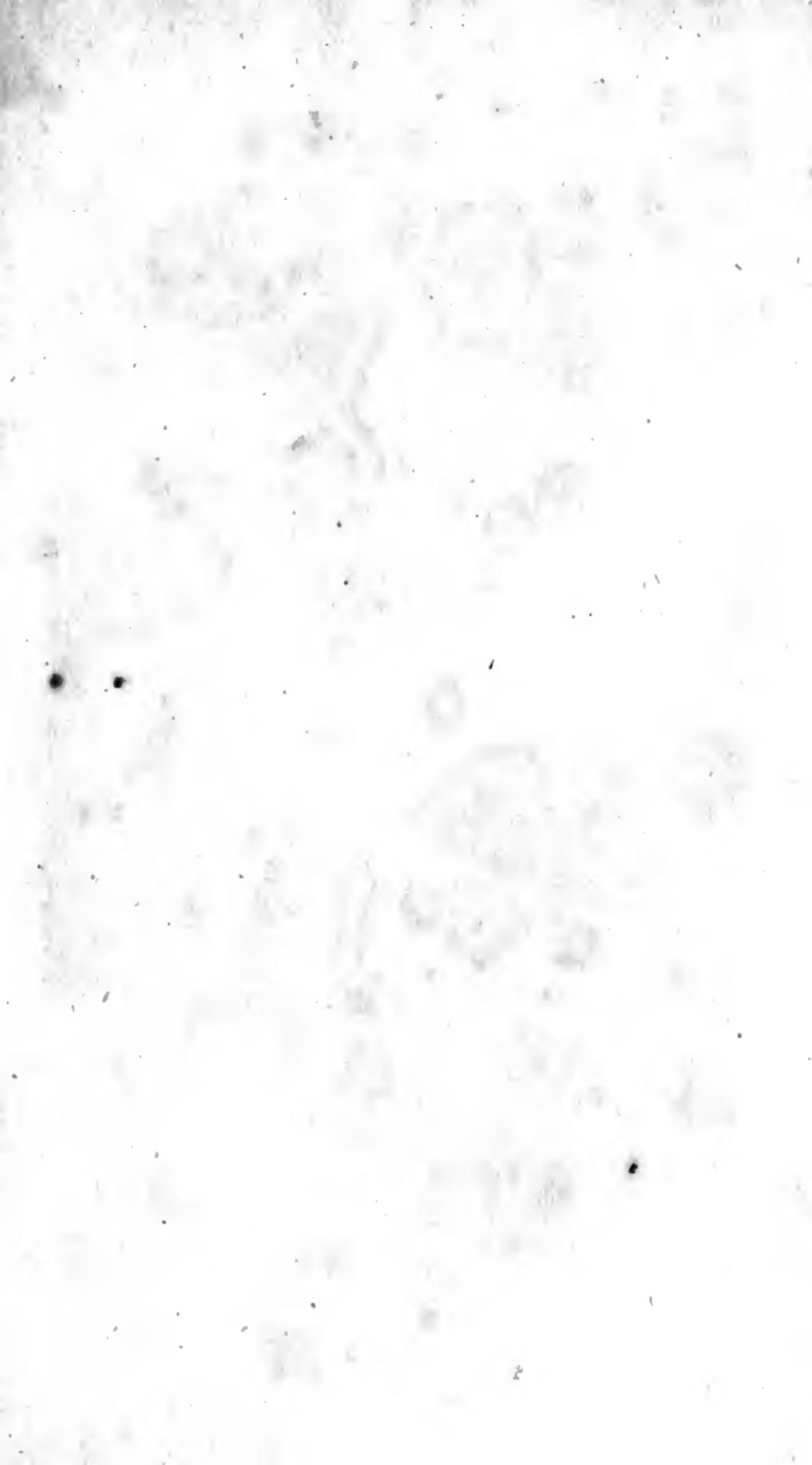
Art. 334.

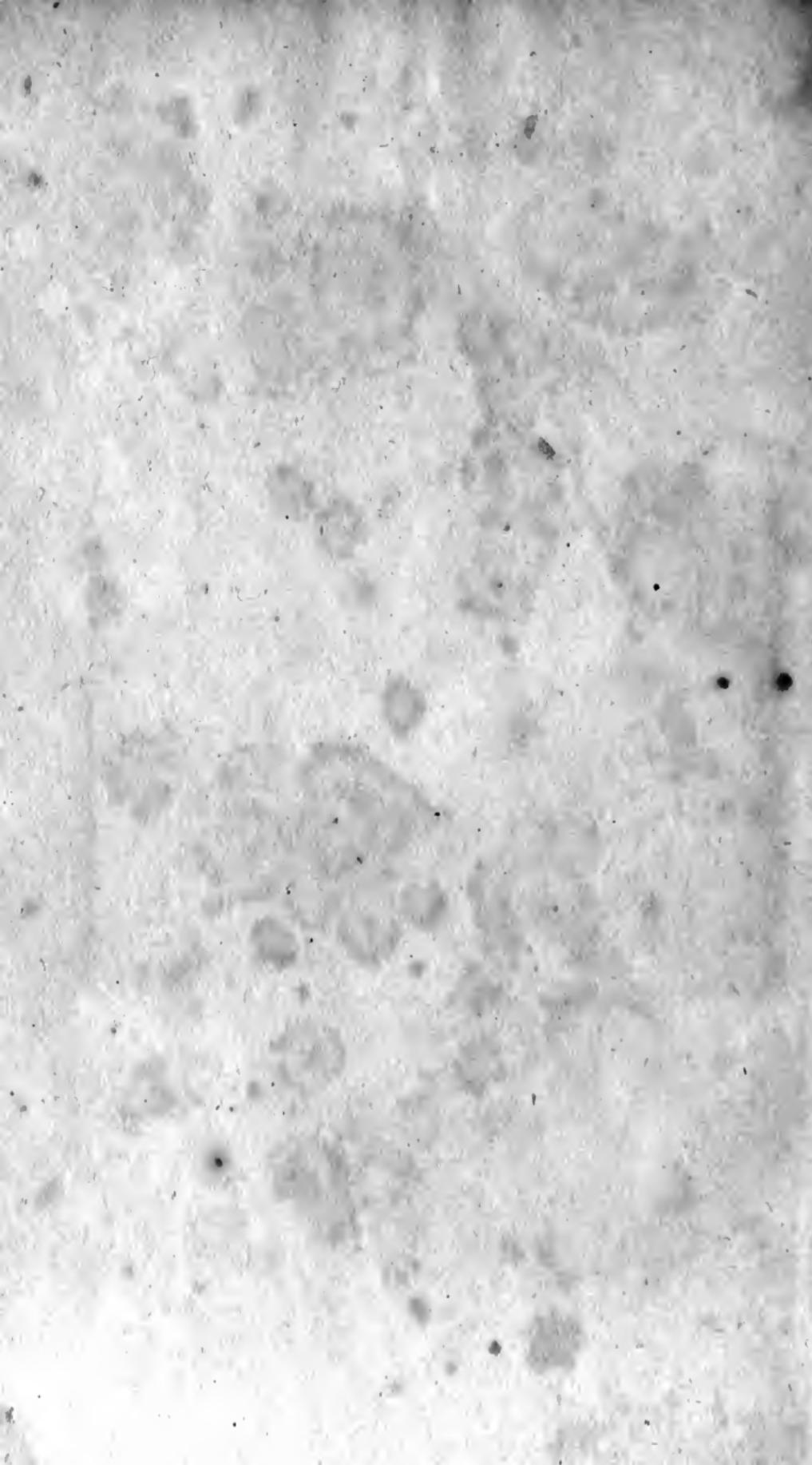
ship or vessel, any such negro or mulatto, with intent to make sale of, or having previously sold, such negro or mulatto, as a slave, such citizen or person shall be adjudged a pirate ; and, on conviction thereof, before the Circuit Court of the Unitd States for the district wherein he shall be brought or found, shall suffer death.

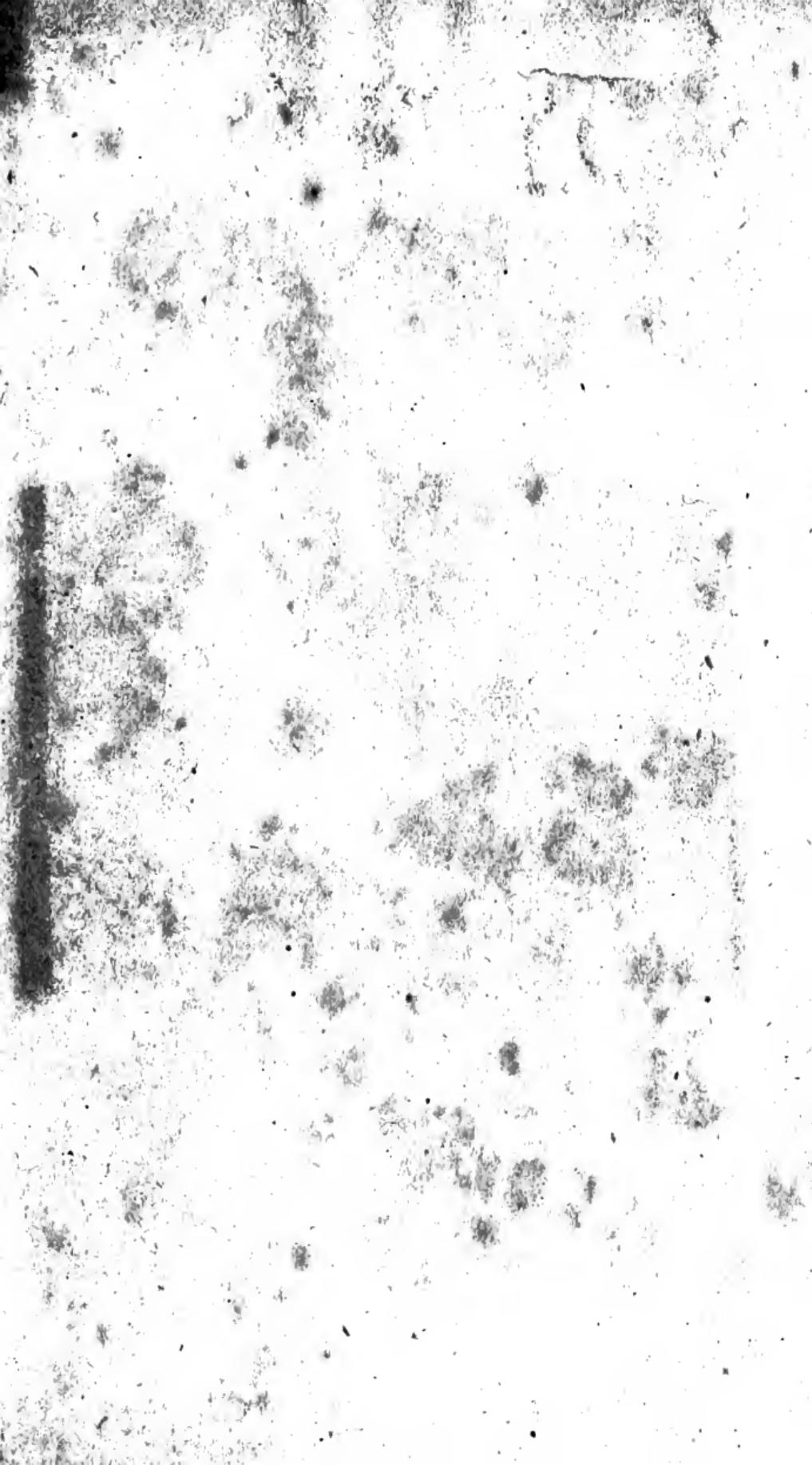
[Approved, 15 May, 1820.]











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